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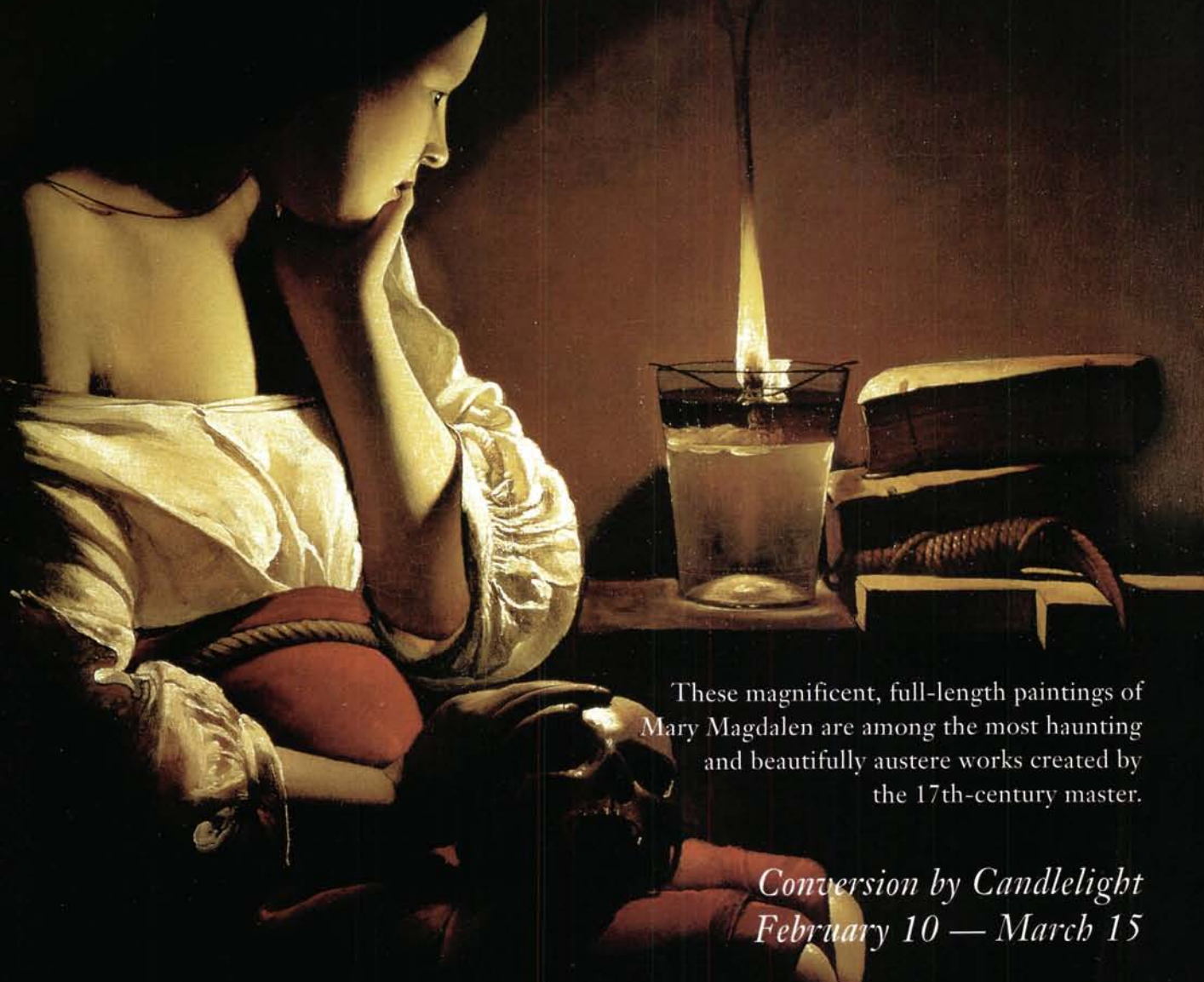


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# CORRESPONDENCE

## Beyond good and evil

To the editors:

Despite his attack on a number of Jews, myself included, for criticizing the Holocaust Memorial Museum's long-running film on anti-Semitism, Leon Wieseltier has performed a useful service ("Epistle to the Hebrews," February 9). His acknowledgment that the film identifies Christianity as the main cause of the Holocaust helps ensure a national debate over the film that many have long sought.

The issue is fairly joined. We think that the film's thesis is profoundly inaccurate, whereas Wieseltier thinks—*knows*—that the film gets matters just right. For disagreeing with Wieseltier we are "fools," "ignorant," "dishonor[able]," "hilarious," "sloppy," "spoiled," and "indecent." So much for those who believe that many sins of anti-Semitism have been committed in the name of Christianity, that Christianity has been a powerful civilizing force in world history, and that its nineteenth century decline was critical to making Hitler possible.

Posing as the outraged savant, Wieseltier appears unaware of the work of academics such as Marc Saperstein and Steven Katz, who have created a growing scholarly consensus that a clear discontinuity exists between traditional anti-Semitism and Nazi ideology. Are those scholars also "indecent" and "hilarious"?

Wieseltier goes on and on, in vituperative, ad hominem fashion. In our letter to the director of the Holocaust Museum, we cited Nietzsche's prediction that Hitlerlike strongmen would come to power as a result of the West's growing belief that "God is dead, and the Christian God is no longer tenable." We also cited others who made the same chillingly accurate prediction of what the twentieth century would be like once politics replaced faith as society's central organizing premise. Wieseltier calls us "hilarious" for doing so—typically, on the irrelevant ground that Nietzsche allegedly wanted Hitlers to happen. (His simple reductionism of Nietzsche is also wrong, but that's another matter.)

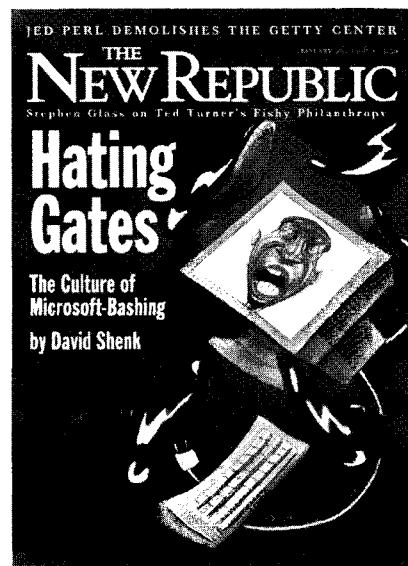
Did we cite scholars who made it clear that Nazism was rooted in Enlightenment-based, pseudoscientific race theories rather than in church-based anti-Semitism? Never mind, says Wieseltier, because we "fools" don't know that those scholars also found that

good things were done for Jews by the Enlightenment. (Actually, we wrote of the Enlightenment's positive effects for Jews precisely as we noted that such Enlightenment figures as Voltaire were virulent anti-Semites.)

Did we cite Freud's view that anti-Semitism was the psychological reaction of Christians seeking to reject Christianity? Never mind, for Wieseltier dismisses the book where Freud wrote this as "outrageous" and "racialist."

What's clear is this: A film on anti-Semitism is fundamentally flawed when its *only* quote of Hitler is, "The only difference between me and the church is that I am finishing the job," and when its closing frames preach that Martin Luther caused Auschwitz.

In Washington, where debate now



rages over whether Georgetown University should remove crucifixes from its classrooms, a *Washington Jewish Week* editorialist purporting to speak "for many Jews" had no doubts. To him, "Jesus on the cross is a repugnant symbol ... represent[ing] two millennia of bloody crusades and pogroms that directly led to the Holocaust"—a position to which the Holocaust Museum film and Wieseltier's wretched, ahistorical excesses inexorably lead.

The signers of the letter critiquing the film have long dealt with smarter, less bloviated interlocutors than Wieseltier. As indicated, we're in his debt for helping to ensure a coming national debate on a matter of great importance.

MICHAEL J. HOROWITZ  
Washington, D.C.

To the editors:

Leon Wieseltier's "Diarist" screed—full of insults, name-calling, and sheer nastiness—appears to be motivated by per-

sonal animus of unknown origin. That his argument was ad hominem may be explained by the apparent fact that he did not bother to see the film in question before setting poison to paper.

Wieseltier instructs us that "it is not anti-Christian to insist upon the Christian complicity in all this evil" and that "indeed, for half a century the Christian conscience has been wrestling mightily with it." Right, and wrestle it should. But insistence on accuracy in the portrayal of Christianity's role in that evil is not "dishonor" or "indecent." The kind of viciousness exhibited by Wieseltier is entirely out of place in efforts to have an honest discussion of the awful history of Christian anti-Semitism. I shudder to think what he'd have written about some poor gentile who had the temerity to suggest that the museum's film needs work.

ELLIOTT ABRAMS  
Washington, D.C.

Leon Wieseltier replies:

No, the issue is not fairly joined. Michael Horowitz still gives no evidence that he knows what he is talking about. So let us begin at the beginning. It is not enough to cite a source. The source that you cite must be cited correctly, and the source that you cite correctly must itself be correct. Horowitz and his gang did not cite Nietzsche; they cited an erroneous paraphrase of Nietzsche by Paul Johnson. "Nietzsche allegedly wanted Hitlers to happen"? Sorry, wrong again. I'd be tickled to have Horowitz's animadversions against my "simple reductionism [*sic*]" of Nietzsche. Also his own reading of the *Epistle to Yemen*. (No, not Nietzsche's *Epistle to Yemen*.) Also his own understanding of the central debates in the historiography of anti-Semitism, which preceded the excellent work of Saperstein and the less excellent work of Katz. Also the reason for his reverence for Freud's analysis of the Jewish question. (Is Horowitz using the Hogarth Press edition? He will find the racist passage on page 91.)

From my criticism of his opinion about the film at the Holocaust Museum, Elliott Abrams reasons that I have not seen it. Of course I have seen the film. Otherwise I would not have denounced these Jewish conservatives for grossly misrepresenting it. In a brief time, and with skillful use of visual evidence, the film offers a perfectly reliable survey of the varieties of anti-Semitism, religious and secular, that developed in Europe. Its account of "the anti-Jewish tradition of Christianity" is accurate. Its portrait of the Enlightenment is in no way just an advertisement for it. ("Some Enlightenment thinkers called for full rights for

Jews, but only on condition that they discard their religious customs. Others blamed Jews as the source of irrational faith.") Its treatment of the continuities in European Jew-hatred does not scant the discontinuities. ("Religious discrimination had gradually changed into a thriving secular political and social anti-Semitism.") As for the film's quotation from Hitler—"In defending myself against the Jews, I am acting for the Lord. The only difference between me and the church is that I am finishing the job"—what is egregious about these words is not that they make the Nazi war against the Jews seem like a Christian war, but that they make it seem like *only* a Christian war, when Hitler also broke new ground in the European obscenity. And my wounded interlocutors might pause to consider why the pagan monster found such an appeal to Christianity useful.

Abrams accuses me of "viciousness." He is right. I intend to be vicious. At this late date in the history of the Jews and the historiography of the Jews, I am not prepared to suffer the notion that anti-Judaism is not at the heart of Christianity in its ancient, medieval, and early modern forms; or that the story of the persecution of the Jews in Europe is not the story of their persecution by Christian individuals, Christian ideas, and Christian institutions (all that the Jews of Europe asked was not to believe in Jesus and to be left alone in Judaism, but it was too much to ask...); or that the new secular anti-Semitism usurped the old religious anti-Semitism; or that the perpetrators of the Holocaust did their work without the collaboration of the Christian churches. It is not because I am a liberal that I believe all these things to be false. I believe them to be false because my study of history has demonstrated to me that they are false.

Also there is the matter of my honor as a Jew. No, "Jesus on the cross" is not a repugnant symbol to me. But the sight of it does not warm my heart, either. It is the symbol of a great faith and a great culture whose affiliation with power almost destroyed my family and my people. Anyway, Jesus is in no danger from me.

## The gas tax

To the editors:

Charles Lane is right that increasing the gas tax is a good idea ("Self-Serve," January 26), but he overstates its benefits. He cites the Congressional Budget Office indicating that increasing the gas tax by twelve cents would raise \$13 billion and concludes that increasing it by 50 cents would raise \$52 billion per year.

This can be true only if demand for gasoline is inelastic. But if demand for gas doesn't fall much then there will be very little reduction in pollution, traffic, and urban sprawl from a higher gas tax.

ABE WICKELGREN

Somerville, Massachusetts

To the editors:

In his discussion of a steep gas tax, Charles Lane mentions that a lot of people in Great Plains states depend on their cars. In rural Virginia, I do the same. I, however, would argue that varying the tax by state according to population density would not only help the initiative pass the Senate, but also allow it to increase every year without requiring an annual vote.

DAVID SWANSON

Charlottesville, Virginia

## Good Getty

To the editors:

In his brilliant depreciation of the new Getty Center ("Acropolis Now," January 26), Jed Perl paints a convincing picture of a museum leadership shamelessly "dumbing down" to the huddled masses, its "elitist heart beating" so loudly it can be heard over the roar of the freeway below. He is wrong—or at least my experience of the Getty people leads me to think so.

As creator of the "Your Getty Center" campaign along with my coworkers at Frankfurt Balkind Partners, an advertising agency, I know that all the Getty wanted to communicate was that everyone was welcome (*mi casa es su casa*, so to speak). If you have kids, don't worry. Just come. Have a good time. Nothing more.

Despite Perl's charge, the Getty's creators do not think it their business to contemplate what a visitor experiences once inside the center. Barry Munitz is not "wondering what the person who comes to the Getty after seeing the banners on Wilshire Boulevard is going to think." He, like everyone else I have met at the Getty, just believes (of course to varying degrees) in art.

REX WILDER

Pacific Palisades, California

Jed Perl replies:

Rex Wilder would have us believe that the Getty Center is ruled by a few ad-campaign-simple ideas. My point is that this is an enormously complicated institution, that the people in charge are susceptible to wildly contradictory impulses, and that the center's "shamelessly elitist heart" (which I applaud) is weakened by an administration which doesn't know the difference between democratic culture and corporate p.r.

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## FROM WASHINGTON

### Lethal objection

Nineteen-ninety-seven was a banner year for the death penalty. Seventy-four murderers were put to death by the 38 states which execute convicted murderers—the largest number in any year since 1976, when the Supreme Court decided that capital punishment was not necessarily unconstitutional after all. Timothy McVeigh was sentenced to death for the Oklahoma City bombing massacre, in the first of what will be many cases brought under new federal death-penalty statutes. And we're off to a fast start in 1998. Double murderer Karla Faye Tucker has just been administered

a lethal injection in Texas. When Virginia executed Tony Mackall a few days ago, *The Washington Post* considered it such a routine matter that they buried the story on page B8.

I'm troubled by this officially sponsored bloodbath, but not for the same reasons other opponents of the death penalty might give. Actually, in my heart, I believe that each and every one of these vile felons deserved to die. Death may even be too good for a mass baby-killer like McVeigh. I'm not impressed by heartfelt statements of remorse, not even when they come from a born-again Christian like Karla Faye Tucker. And, frankly, I'm not even disturbed that these murderers will feel some pain before they go, whether the method of execution is a purportedly humane lethal injection or the more old-fashioned electric chair. Let them suffer a little "cruel and unusual punishment," just like their victims did. In short, if the only issue in the death-penalty debate were whether the state can ever be justified in taking the lives of its most destructive citizens, I would be all for it.

But it's not the only issue. The case

against the death penalty has nothing to do with punishing the guilty and everything to do with punishing the innocent. Execution is irreversible, and if the government gets it wrong, there's no way to make up for the mistake. To assume this Godlike power of deciding whether a person should live or die, the state should possess Godlike wisdom. But cops, judges, and jurors are only human; if the recent barrage of real-life TV courtroom drama, from O.J. to the nanny case, has taught us anything, it has taught us that. Thus, we can never be sure that every death sentence is indeed deserved.

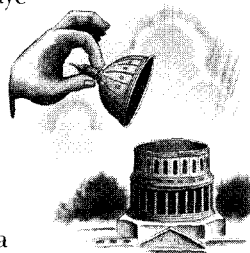
Am I just fretting about some theoretical possibility?

Since 1993, 17 people who were convicted of murder and sentenced to death have either had their convictions thrown out on appeal or have been retried and acquitted, according to the Death Penalty Information Project, an anti-capital-

punishment group. That is a rate of about one exoneration for every 15 actual executions during the same period. You can take this as evidence that the legal system's elaborate procedural protections work. Or you can take this as evidence of how close 17 people came to being wrongly killed by the state—and how likely it is that someone else eventually will be, or already has been. One reason executions have accelerated lately is that the Supreme Court has restricted the ability of death-row inmates to launch multiple appeals of their sentences.

As American citizens, we are all entitled to the same constitutional rights and to equal justice under the law. Yet the inherent procedural imperfections of the death penalty are compounded by the quirky nature of our fragmented justice system, which permits different jurisdictions to mete out wildly varying punishments to the perpetrators of similar crimes. This is tolerable for ordinary felonies and ordinary jail terms, but not for the uniquely fateful question of life versus death. Tony Mackall received his death sentence for shooting a gas-station attendant, while Jeffrey Dahmer got a life sentence for his spree of murder and cannibalism. Why? Mackall killed in Virginia, which has the death penalty, while Dahmer killed in Wisconsin, which does not. (Indeed, if Mackall had driven over the state line into the District of Columbia to commit his crime, he would be probably be eligible for parole today.) Even among death-penalty states, there are crucial differences in the way the penalty is administered and adjudicated. Only some states provide for a

*continued on page 41*



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— Charles Tilly, Columbia University

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MARCH 2, 1998

# PAY UP

Once upon a time, before Monica Lewinsky, there was a financial meltdown that threatened to impoverish and destabilize East Asia. And Americans were gearing up for a debate about whether to remain the world's lender of last resort. Now, of course, such questions have been relegated to the back pages. But there is some unfinished business: The U.S. owes the International Monetary Fund.

The IMF has spent the past few months frantically doling out cash to Indonesia, South Korea, and Thailand so that those governments can give it to their banks, so that they, in turn, can pay off Japanese, American, and European creditors. This has seriously depleted the IMF's reserves, so the agency is now asking its member countries for funds that would enable it to respond if the crisis spreads to, say, Brazil or Russia.

At the end of Congress's last session, a deal to pay the IMF died when it got tangled up in the abortion debate (don't ask how). Now, the Clinton administration is back. But two groups in Congress want to block funding once again. The first, led by Senator Lauch Faircloth of North Carolina and Representative Ron Paul of Texas, sees the IMF as an instrument of international socialism. By bailing out people who lend and borrow money, they argue, the IMF shields them from market discipline and encourages them to lend and borrow promiscuously in the future.

This worry, while not illogical, is overstated. The recent financial crisis, IMF assistance notwithstanding, has hardly been a boon for the countries of East Asia. Their money is now practically worthless, their citizens are losing their jobs, and they won't see any economic growth for years to come. Yes, the IMF's help will stave off default, but the current economic crisis itself is bad enough to teach Indonesia, Thailand, and South Korea a lesson in thrift they won't soon forget.

As for First World lenders, investors in East Asian stock markets will still take a bath—the IMF isn't bailing them out. It's only the commercial banks who lent to East Asian banks that will get repaid, and even they are losing money, because Treasury Secretary Robert Rubin has muscled them into delaying that repayment for months, if not years. J.P. Morgan, Chase, and Citibank have already reported a significant decline in earnings.

More importantly, the IMF is conducting this bailout

because, in the real world, as opposed to the fantasyland where Faircloth and Paul reside, unregulated capitalism coupled with investor panic can be very dangerous. Had Korea's banks gone belly-up, they might have taken Japan's highly leveraged banks with them, and, once the meltdown hit Japan, fiscal crisis would have swiftly crossed the Pacific. Because of the IMF, that threat has been averted.

On the left, representatives Barney Frank, David Bonior, and Bernard Sanders claim the IMF's austerity programs promote the worst trickle-down, nineteenth century kind of capitalism. They don't want America to pay up until the IMF starts demanding labor rights and democracy as the price of its bailouts.

To be sure, the IMF must design its austerity programs so that the poor don't suffer the brunt; the fund has, to its credit, exempted health and education from the budget cuts it demands of the Indonesian and Thai governments. But the best antidote to poverty in Southeast Asia will be a return to economic growth, and that is far more likely to happen if the IMF helps than if Asian economies go into default.

Furthermore, the IMF is an economic institution, and as such its legitimacy is predicated on its political neutrality. Insulated from direct politicization, the IMF can actually have an indirectly democratizing effect in some countries. By insisting that crony-capitalist Indonesia adopt open, above-board economic dealings, the IMF is probably doing more to undermine the Suharto clique's hold on power than the emissaries of Foggy Bottom ever could.



There are useful reforms the IMF could take, like making more of its own economic data public—which would deter future Indonesias from running up massive debt on the assumption that they can hide it from the world. But the U.S. will be better able to push for such reforms if it reaffirms its commitment to the fund now. The difficult and vital debate that began last fall was about finding new ways to strengthen public economic institutions at a time when the international private economy seems on the verge of escaping regulation altogether. If the United States does not support the IMF today, it will find itself with little influence over that debate, a fact that could affect this country's interests long after the furor over Monica has past. •

# NOTEBOOK

**L**EAKS UNPLUGGED: "The leaking by your office has reached an intolerable point," thunders the opening line of the now-famous 15-page letter from David Kendall, President Clinton's Whitewater defense lawyer, to Independent Counsel Kenneth Starr. The letter, which charges Starr and his minions with violating the laws against divulging secret grand jury testimony, has become the centerpiece in a White House counterattack against Starr's unpopular investigation—and it has worked, judging by the press it has generated. But did any reporter actually bother to read it? The letter is a mixture of a few legitimate complaints and a lot of lawyerly ballast. The first legitimate complaint is that *Newsweek* and others got their hands on the contents of a secretly made FBI tape recording of a conversation between Monica Lewinsky and Linda Tripp—a true outrage for which the independent counsel is undoubtedly to blame. Kendall's second legitimate complaint has to do with a *Wall Street Journal* story, later shown to be untrue and retracted, to the effect that a White House steward had told the grand jury he saw the president and Lewinsky in flagrante delicto—another outrage, but less clearly attributable to Starr. Kendall also goes on at length about Starr's alleged leaking of Betty Currie's testimony. This, too, probably came from Starr, but the way the stories were phrased suggests that the leak consisted of Currie's preliminary statements to Starr's investigators, not her testimony before the grand jury. Beyond that, almost none of the 53 purported examples of illegal leaks in Kendall's letter really stand up. Most of them are stories about Starr's legal strategy—whom the independent counsel plans to subpoena, how he planned to handle immunity negotiations with Lewinsky's attorney, and the like. This has nothing to do with leaking grand jury testimony. Kendall's letter tries to raise these disclosures to the level of a federal offense, citing a court's observation that the federal rules of criminal procedure bar disclosure of "the strategy or direction of the investigation." But this is a highly subjective, and thus essentially unenforceable, stricture; Starr's disclosures of strategy may even have helped Clinton keep pace with his legal pursuer. In any case, many of the alleged leaks from Starr's office are in fact stories attributed to "sources familiar with the Linda Tripp tapes," who could easily be Tripp's voluble agent, Lucianne Goldberg, or her equally anti-Clinton lawyer, Jim Moody. One leak cited by Kendall is a leak from Clinton's deposition in the Paula Jones case, the contents of which are known not only to Starr, but to Jones's and Clinton's lawyers as well.

**M**USEUM PIECE: Remember the magical week when Benjamin Netanyahu and Yasir Arafat came to town with nothing to say, and the shipwreck of the reconciliation between Israel and the Palestinians was no news at all,

because young Monica Lewinsky burst upon the world stage? Well, there is one address in Washington where the consequences of that week are still reverberating. It is the Holocaust Memorial Museum, which twisted itself out of shape in not inviting Arafat for an honored visit and then inviting Arafat for an honored visit. We now hear that life at the institution has become impossible for Walter Reich, the director of the museum who seems (but who can tell anymore?) to have opposed Arafat's visit, even that his job is on the line. His nemesis is Miles Lerman, the chairman of the Holocaust Memorial Council, and a Holocaust survivor, and a self-made Big Shot. The strange thing is that it was Lerman who told *The Washington Post* on January 20, in the eye of the storm, that "when I make a mistake, I'm big enough to admit I made a mistake. The buck stops at my desk." Why, then, is he scapegoating Reich? And we wonder how Lerman got the museum into this mess; and how it is that two members of the State Department's peace-processing department, Dennis Ross and Aaron Miller, are members of the museum's council; and how it is that seats on that council are passed from survivor parents to their children, like some morbid dynastic privilege; and how it is that Lerman has previously made the museum available to the political convenience of the administration, as in the inauguration last year? The issue is not just Arafat. The issue is also the character of the museum and its operation. Maybe Lerman thinks that nobody is watching, but Monica isn't everything anymore.

**A**ND THE WINNER IS: Responses have poured in to our name-that-White-House-scandal contest. We are pleased to report that the results range from merely vulgar ("Oral Hazard" and "Stain of the Union"), to somewhat amusing ("Tripptrap," "Clintillate," "Sinqquisition"), to rather inspired ("Monicalamity"). If this had been a mere plebiscite, then the two most frequent entries, "Tailgate" and "Trippwire," would have landed in a virtual tie for first. But we decided to judge on poetic merit, not mere popularity. "Tailgate" seemed anatomically inaccurate as regards the behavior allegedly involved in the Clinton-Lewinsky liaison, while "Trippwire" seemed a bit one-sided in its imputations of blame. Of our two finalists, "The StarrTripp Enterprise," submitted by Barth Landor of Chicago, impressed us both for its punny willingness to boldly go where no other entry had gone before, and for deftly encapsulating the serendipitous collaboration between the president's principal adversaries. In the end, however, we concluded that this nominee appeared to indict the prosecutor without alluding to either the president or his alleged paramour. That left us with a name that seemed to capture the sexual wackiness and tackiness of the whole mess without appearing either to excuse or blame either side at the expense of the other; we also liked the way it subtly pokes fun at the press's own cliché-ridden scandal-description vocabulary. The winner is "Bimbroglio." Congratulations, and our thanks, to William D. Angel of Lima, Ohio. Your one-year subscription is on the way. •

# ***NPG Statement on Population***

## ***We Believe that the Optimum Rate of Population Growth is Negative***

We believe that the optimum rate of population growth for the United States (and for the world) is negative until such time as the scale of economic activity, and its environmental effects, are reduced to a level that would be sustainable indefinitely.

We are convinced that if present rates of population growth and economic growth are allowed to continue, the end result, within the lifetimes of many of us, would inevitably be near universal poverty in a hopelessly polluted nation and world.

We agree with Professor Herman Daly who has pointed out that the human economy is a subset of the biosphere, and that the **current scale of economic activity relative to the biosphere is already far too large to be sustainable indefinitely.**

### ***Stabilization Is Not Enough***

We believe that calls for merely slowing down rapid population growth, or for stabilizing population at present or even higher levels, **are totally inadequate.**

Such proposals, while presented as a solution, **fail to address the central issue:** how to create a national (and world) economy that will be sustainable indefinitely.

At present or at even higher levels of population, neither the application of science and technology, nor simplifying life-styles, nor any combination of the two, can offer any hope of reducing our impact on the environment to a sustainable level.

### ***We Need a Smaller Population***

We recognize that our impact on the environment in terms of pollution and resource depletion is the product of our numbers times our per capita consumption of energy and materials. Thus, there are only three ways by which that impact can be reduced:

- By reducing the size of our population by a negative rate of population growth.
- By reducing over consumption (in the United States and other developed countries) by simplifying life-styles.
- By reducing resource depletion and pollution per unit of consumption through more efficient use of energy and materials.

Population size is by far the most critical of those three variables. **Nevertheless, our present scale**

**of economic activity is so large relative to the biosphere, that all three measures are needed in order to reduce it to a sustainable level.**

### ***An Urgent Need***

Over 20 years ago, when our U.S. population was far smaller, (about 202 million, rather than our present 269 million), Professor John Holdren correctly saw the urgent need for a negative rate of population growth. At that time he wrote,

"...What is surprising... is that there is not more agreement concerning what the rate of change of population size should be. For given the uncertain, but possibly grave, risks associated with substantially increasing our impact on the environment, and given that population growth aggravates or impedes the solution of a wide variety of other problems... it should be obvious that the optimum rate of population growth is zero or negative until such time as the uncertainties have been removed and the problems solved."

### ***A Population Goal for Our Country***

We must have, first of all, a nationally-determined population goal for our country, accompanied by effective policies to achieve it.

We urge Congress and President Clinton to set, as a top priority national goal, **the achievement of a negative rate of population growth for the United States until such a time as the scale of our economic activity is reduced to a sustainable level.**

We also call on our political leaders to urge other nations to pursue a similar goal.

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## THE HARD QUESTIONS

# WHITE LIES

By Michael J. Sandel

Suppose, for the sake of argument, that the president was sexually involved with Monica Lewinsky. Would it be wrong for him to deny it? The obvious answer is yes—an extramarital dalliance with a White House intern is bad enough, and lying only compounds the sin. But while a public lie about private misconduct may not be a morally admirable thing, such a lie does not necessarily add to the wrong of the conduct it conceals. It might even be justified.

Consider a different case of presidential deceit—a denial of plans to lead the country into war. During the 1964 presidential campaign, Lyndon Johnson concealed his intention to escalate the war in Vietnam, much as Franklin Roosevelt had denied plans to enter World War II. “I have said this before, but I shall say it again and again and again,” FDR declared during the 1940 campaign. “Your boys are not going to be sent into any foreign wars.” Both presidents deceived the public—Roosevelt for the sake of a just cause, Johnson for the sake of an unjust one. The moral status of their respective deceptions differs accordingly. Johnson’s lie was less justified than Roosevelt’s, not because it was any less truthful, but because it served an unworthy end.

The Clinton case differs in that the conduct in question is not a public undertaking but an alleged private misdeed. It certainly lacks the high moral purpose of Roosevelt’s cause. But there may be a case, in the name of privacy and decorum, for the president to deny a scurrilous charge even if true, provided it has no bearing on public responsibilities. The Talmud allows three exceptions to the requirement of truthfulness—involving knowledge, hospitality, and sex. A scholar who is asked whether he knows a certain passage of Talmud may say, falsely, that he does not, to avoid an immodest display of knowledge. He may also lie if asked about the quality of hospitality he has received in order to spare his host a parade of unwelcome guests. Finally, he is entitled to lie if asked about such intimate matters as the performance of his conjugal duties. (This last exemption applies only loosely to the case of Clinton. On the one hand, it suggests that the right to lie can arise from the impropriety of the question. On the other, it covers inquiries about marital relations, not alleged infidelity.)

The morality of deceit is complicated by the fact that

it is possible to mislead without actually lying. Much has been made of Clinton’s tendency to give carefully worded, loophole-ridden denials to embarrassing allegations. When asked, during his first presidential campaign, whether he had ever used recreational drugs, Clinton replied that he had never broken the anti-drug laws of his country or state. He later conceded that he had tried marijuana while a student in England. A close reading of his famous 1992 interview on “60 Minutes” reveals that he never actually denied an extramarital affair with Gennifer Flowers. Asked about Flowers’s tabloid account of a twelve-year affair, Clinton replied, “That allegation is false.” This answer is technically consistent with Clinton’s reported admission in his sealed deposition in the Paula Jones case that he did have a sexual involvement with Flowers.

Is there a moral difference between an artful dodge and a bald-faced lie? No, say Clinton critics, and many ethicists as well. They argue that a misleading truth has the same purpose and, if successful, the same effect as an outright lie: to deceive the listener. One of the greatest moralists of all time, however, disagreed. Immanuel Kant, an eighteenth-century German philosopher, insisted there is all the difference in the world between a lie and a technically truthful dodge.



Kant yielded to no one in his opposition to lying. Even if a murderer came to your door looking for a person hiding in your house, Kant held, it is not morally permissible to lie. The duty to tell the truth holds irrespective of the consequences. At one point, Benjamin Constant, a French contemporary of Kant’s, took issue with this uncompromising stance. The duty to tell the truth only applies, Constant argued, to those who deserve the truth, as surely the murderer does not. Kant replied that lying to a murderer is wrong, not because it harms him, but because it violates the very principle of right and offends the human dignity of the person who lies. “To be truthful (honest) in all declarations is, therefore, a sacred and unconditionally commanding law of reason that admits of no expediency whatsoever,” Kant said.

Despite his categorical prohibition on lying, or perhaps because of it, Kant drew a sharp distinction between lies and statements that are misleading but not, in the formal sense, untrue. A few years before his exchange with Constant, Kant found himself in trouble with King Friedrich Wilhelm II. The King and his censors demanded that Kant refrain from any lectures or writings they deemed a distortion or depreciation of Christianity. Kant, who planned to speak and publish further on religion, responded with a carefully worded statement, promising that “as your Majesty’s faithful subject, I shall in the future completely desist from all public lectures or papers concerning religion.”

When the King died a few years later, Kant considered himself absolved of the promise, which bound him only as “His Majesty’s faithful subject.” Kant later explained that he had chosen his words “most carefully, so that I should not be deprived of my freedom ...

forever, but only so long as His Majesty was alive." By this clever evasion, the paragon of Prussian probity succeeded in misleading the censors without lying to them.

Many thought Clinton was employing a similar maneuver when, early in the scandal, he repeatedly employed the present tense to deny allegations of past impropriety, stating, "There is no sexual relationship." When journalists seized on the possible evasion, he finally issued a less equivocal denial.

If the president has shifted from a misleading truth (like Kant's) to an actual lie, there might still be a mitigating factor. Even the most righteous among us would not welcome the prying, prurient scrutiny to which public figures are exposed. Consider, again, the Talmud. It tells of a rabbinic sage so exemplary that his disciple once hid under his bed to learn the proper way to make love to one's wife. When the rabbi discovered his student's presence and asked him to leave, the disciple replied, "It is Torah and deserves to be studied." The president's popularity is unimpaired, not because the American people believe he is telling the truth, but because they have decided that his sex life is not Torah and does not deserve to be studied. •

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## An immodest proposal.

# PARDON HER

By Andrew L. Shapiro

It's a wonder nobody has mentioned it yet. It's the only solution bold enough to end this awful drama, the one outcome that could get both young Monica and the Clinton administration off the hook while sparing the rest of us any more of imperious Ken Starr's embarrassing questions about our commander-in-chief. Bill Clinton must rise up against the special prosecutor and tell America what it wants to hear. Mr. President, pardon Monica Lewinsky at once!

Oh, I know it sounds absurd. But it's time for drastic measures, befitting these drastic times. The Constitution gives the president broad power to pardon individuals for "offenses against the United States," and for more than a century the courts have recognized that presidents can issue pardons prior to indictment. Gerald Ford did it for Richard Nixon, and Clinton could do it for Lewinsky. And we would all be the better for it.

Consider the legal consequences. Starr would be unable to prosecute Lewinsky—which would mean Lewinsky would have no Fifth Amendment right not to testify. Starr could thus force her to say what she knows. But here's the rub: Starr would have no advance knowledge of how Lewinsky would testify. In the current negotia-

tions, Lewinsky's attorney, William Ginsburg, has been making "proffers" explaining what his client would say in exchange for a grant of immunity. But Starr has said that as a condition of giving her immunity he wants to interrogate Lewinsky face-to-face and possibly give her a polygraph to ensure she is telling the truth. But, if Clinton pardoned her, she wouldn't have to tell Starr a thing—and Starr couldn't hold her proffers against her. Starr would have a much less predictable witness—and a much weaker case.

Imagine how this could play out. Lewinsky might tell a grand jury that she can't remember exactly what she was told by Clinton or Vernon Jordan. Did they tell her to lie? To be evasive? Or did they just say, "Do the right thing"? "I don't recall," she might answer. (Got that, Monica?) If Starr thought she was lying, he could prosecute her for perjury, but it is unlikely he would succeed. It would be hard, after all, to prove what she *did* recall. (Got that, Ginsburg?)

Here's another way Starr would be hampered by the pardon: Without it, he could try to rescind the immunity deal and, so long as he didn't use her compelled testimony, go after Lewinsky for the original offenses (possibly including coercing a government employee, Linda Tripp, to lie under oath, a more serious crime than Lewinsky's own lying). But with the pardon, there would be no original offenses to go after. Monica would walk, and that could well be the end of Starr's grand inquiry.

Of course, a presidential pardon could be politically costly. Some would call it an abuse of power. But these folks just don't get it. In the new politics of inverted outrage, Clinton's pardon would reflect not a desire to save his own hide, but rather his sensitivity to the public's anger at Starr for his ever-expanding investigation, his hardball tactics against a feckless young woman, and his prying into the consensual private actions of adults. (Got that, McCurry?)

It would be a daring yet selfless act on behalf of the American people, allowing Clinton and his staff to return to the business of governing, while letting him and his family deal privately with any questions of infidelity. The president might even issue a chivalrous Southern challenge to the independent counsel: "Come after me if you want to, Ken Starr, but leave this poor woman alone." No doubt, the president's approval ratings would soar even higher.

History is on Clinton's side. In the past, Americans have tolerated presidential pardons—even when they dealt with serious matters of state. That was the case with Nixon's exoneration. And there was little protest when President Bush, in his final weeks of office, issued a Christmas Eve pardon to former Defense Secretary Caspar Weinberger and other high-ranking officials linked to the Iran-Contra scandal, even though Bush could have been implicated by their testimony. As the outgoing president put it, it was "time for the country to move on."

If the stolidly patrician Bush could pull this off as patriotic catharsis, just imagine what the "I feel your pain" president could do with such an opportunity for collective healing. This saga hasn't dragged on as long as

Watergate or Iran-Contra, but in this age of accelerated reality and intrusive investigations, it already seems like it's time to move on. And, after all, what could be more fitting in this case than a Valentine's Day pardon?

ANDREW L. SHAPIRO is a fellow at Harvard Law School's Berkman Center for Internet & Society and a contributing editor at *The Nation*.

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## SANTIAGO DISPATCH

# PRATS FALL

By Mark Falcoff

He is 82 now, grayer and more sluggish than when the world first discovered him a quarter-century ago, peering at the television cameras through a superfluous pair of dark glasses, the chief of a military junta that had just deposed Chile's Socialist president, Salvador Allende. But that was long ago, and, this March, he is scheduled to retire as commander-in-chief of the Chilean army. But Augusto Pinochet Ugarte has not withdrawn from Chilean public life—far from it. Thanks to a provision of the constitution drafted in 1980 by his minions, Pinochet will become a senator for life upon his retirement. And he and his legacy are still hotly debated in Chile. Reviled by many for the bloody 1973 coup and the 17 years of dictatorship that followed, Pinochet is defended with equal passion by those who think Chile's economic success is all the vindication the general needs.

Hovering in the background, however, is a still-unsolved murder case: the car-bomb killing of Chilean Gen. Carlos Prats and his wife Sophia in Buenos Aires on September 30, 1974. Amid the routine killings of leftists in the Southern Cone during those years, the murder of a respected former general in the Chilean army stood out as a special shock. Prats had been Allende's last important military supporter, and, though it would have violated a strong taboo for one member of the Chilean army to kill another, Chileans have long assumed that Pinochet must have been behind the Prats killing. Now, new evidence is emerging that supports this view—evidence that will, at least, keep the Prats case in the Chilean news and possibly upset Pinochet's plans for a decorous retirement.

Prats served Allende as minister of the interior, the country's second most powerful official (Chile has no vice president). Prats saw himself as a professional military man, sworn to uphold the constitution and the established order regardless of whom Chileans might

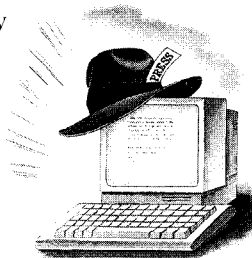
elect. However, given that Allende had become president with only about a third of the vote in 1970, Prats was, in effect, helping a left-wing minority government to use the military to protect it from popular discontent. In the opposition's view, this was collusion with communism. Apart from the overblown rhetoric, that perception was not wholly inaccurate. Allende never fully controlled his own cadres, including those with serious Leninist objectives, and many of the actions of his government were lawless.

As a result, in 1972 and 1973, the center and right began to attack Prats as if he were an ordinary politician, and a left-wing one at that. Inevitably, this forced the general into the arms of the president, and the two became close both personally and politically. Just a few days before the September 11 coup which deposed Allende, Prats's own army colleagues forced him to retire. His replacement—on his own recommendation—was Pinochet. A few days after the coup, Pinochet ordered his old friend Prats into exile in Argentina, where Gen. Juan Perón gave him an executive position in one of the country's military factories.

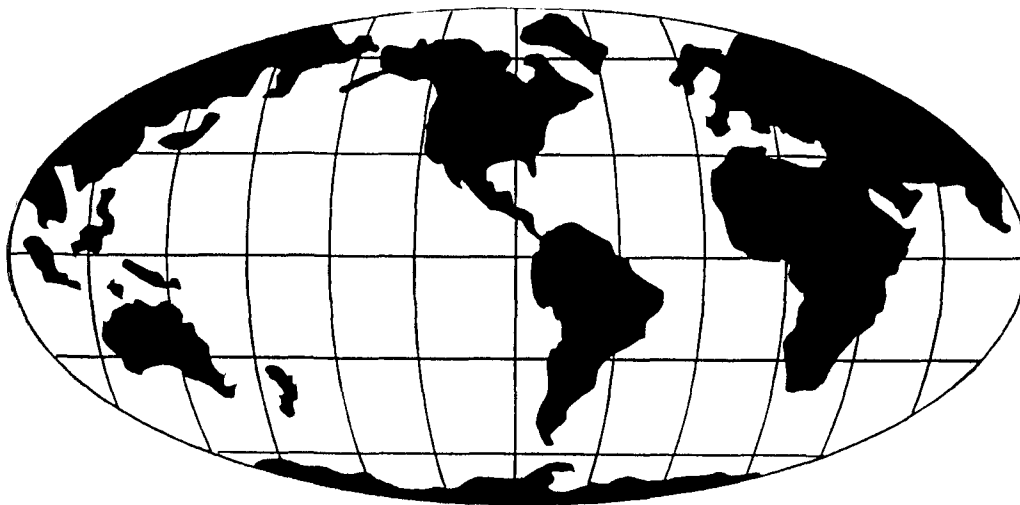
Needless to say, Argentina did not prove a safe haven. But exactly how was the Prats hit conceived and carried out? The new evidence comes from an unexpected source—Alfonso María Morata y Salmeron, an 81-year-old retired officer in the Spanish air force living in Alicante, Spain, who spoke to the respected Chilean magazine *Caras* last November. Morata's life story is pure Hemingway. A fighter pilot for the Republicans during the Spanish Civil War, his later career included stints as both a plotter against Cuban dictator Fulgencio Batista and a foe of Batista's nemesis Fidel Castro.

By the 1960s, Morata had reinvented himself as an activist in Chile's conservative anti-Communist circles. After Allende's victory, Cuban intelligence operatives began to arrive in Chile, so Morata fled to Buenos Aires and plunged into the murky world of right-wing Argentine politics—which in those years included increasing numbers of anti-Allende Chileans. According to his account in *Caras*, Morata met a Chilean expatriate by the name of Enrique Arancibia Clavel, a young member of a distinguished Chilean military family whose mother was close to Pinochet's wife. According to Morata, Arancibia returned to Chile after the 1973 coup and through his mother's contacts was able to obtain a position with the DINA, Pinochet's fearsome secret police. He then returned to Buenos Aires, ostensibly to work for the Chilean State Bank. His real boss, however, was a DINA agent posing as a Chilean diplomat.

According to Morata, Arancibia also worked with Michael Townley, an American-born DINA agent. Two years later, Townley was involved in the Washington, D.C., murder of former Chilean Foreign Minister Orlando Letelier and his American assistant (a murder which was carried out using a car bomb very much like the one that killed Prats). Morata says that Arancibia and Townley were able to get the Argentine authorities to order the



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municipal electric company to stage a blackout on Malabia Street, where Prats lived, so that the two men could install a bomb in Prats's car under the cover of darkness.

The motive for the crime, Morata says, was the fear that Prats would emerge as a logical candidate to be president of a Chilean government-in-exile. This would not have been unprecedented. For many years after Spain's civil war, the Spanish Republican government had maintained a similar arrangement in Paris. Nor was it wholly implausible. Prats still enjoyed considerable prestige among the Chilean left. He professed no interest in such a plan and discouraged those who tried to promote it. Even so, somebody—either senior Chilean military officers, the DINA, or Pinochet himself—decided the possibility had to be preempted.

It appears Argentina's military regime and Pinochet's DINA colluded to cover up the story. But now, 15 years after the restoration of democracy in Argentina and more than 20 years after its restoration in Spain, authorities in those two countries are working to find the truth. Thanks in part to Morata's decision to come forward, they may be getting closer. Based on documentary evidence linking Arancibia to Townley, the Argentine investigating judge María Servini de Cubria has ordered Arancibia to be held as a "vital accessory" pending his trial next summer. Last July, Judge Servini went to Alicante to depose Morata, who is expected to provide something close to a smoking gun for the prosecution. If Arancibia talks, the trail may yet lead back to the DINA. From there it is only a few steps to the aging general in Santiago.

MARK FALCOFF is a resident scholar at the American Enterprise Institute and author of *Modern Chile 1970–1989: A Critical History* (Transaction).

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## A new plan to save species.

# GREENER PASTURES

By Gregg Easterbrook

It's been a terrific deal for the bald eagle and peregrine falcon, but not many members of genus *Homo* are satisfied with the Endangered Species Act. The law has protected most of the species whose extinction it set out to prevent. But it has generated a fierce backlash from landowners, who dispute the way the ESA sometimes forces them to set aside private property for use as animal habitat—giving rise to the congressional "takings" controversy. There's also the problem of job losses in logging and a few other industries. Developers never know when a project will

grind to a halt over the discovery of some previously uncataloged beetle. Environmentalists, for their part, aren't happy with the favors under the law that the well-connected sometimes win. As a result, all attempts to reform or even renew the statute have collapsed amid a bitter debate, even though the law is long overdue for reauthorization.

This year, the ESA is once again on the legislative calendar, and deadlock is likely. But there is a possible solution that would get around the "takings" problem, allow economic growth, and still protect land and species—perhaps more effectively than the current law does. Congress should simply require that, for every new acre of land converted into development, one acre of land elsewhere must be purchased and dedicated to conservation of habitat. The land purchases would be financed by a per-acre fee charged to all building on previously undeveloped land. That means *all* development, regardless of whether endangered species are directly affected. The fee would be assessed automatically in conjunction with building permits, obviating the need for complicated lawsuits and impact studies. In return, developers would be freed from most current ESA strictures. The utopian goal of protecting all species everywhere would be dropped from the act, though the government would retain emergency authority for a few rare cases. Call it the build-and-save plan.

Build-and-save grows out of the idea known as "habitat conservation" which has already shown promise in pilot programs in places like Austin, Texas, and coastal Southern California. A recent study led by Peter Kareiva of the University of Washington concluded that most such plans are scientifically sound. Over the last five years, Interior Secretary Bruce Babbitt has authorized roughly 200 habitat conservation plans, making sensible trade-offs in which developers are granted security against future ESA lawsuits in return for funding the purchase of blocks of land for habitat conservation.

Last month, under pressure from orthodox environmentalists, Babbitt temporarily suspended approving the plans. But it's time for environmentalists to stop viewing all development as evil and to think creatively about using market incentives to achieve species preservation. Even if you accept, as you should, that biodiversity protection is an important goal, it's hard not to recognize that the ESA employs a cumbersome, species-by-species litigation approach. Some areas of habitat can be plowed and paved willy-nilly if they don't happen to possess any rare creatures. In other areas, even reasonable economic activity comes to a dead stop over glacial lawsuits regarding the finer points of taxonomy.

If build-and-save were adopted, not only would there be an end to tedious litigation over what constitutes a moth subspecies, but the percentage of the United States that is placed in conservation status would skyrocket. Under build-and-save, the portion of national territory used as parks, forests, and sanctuaries would grow at the same rate as the developed portion of the

country. For the first time, there would be a consistent source of funds to buy up land for new conservation areas. And since land would be acquired through voluntary purchases, not forced federal takeovers, the "takings" issue would basically wither away.

Indeed, money from the build-and-save fund could be used to negotiate voluntary buyouts of land now locked in "takings" litigation, rescuing frustrated landholders who can neither use their property nor find any buyer who wants acres encumbered by ESA restrictions. Free-market bonus: A share of the build-and-save revenues could be used to establish privately administered nature preserves. These projects (owned by and accessible to the public, but managed by private firms or non-profit organizations) would enable us to test whether the private sector can manage wildlife-preservation projects better than the government does. In the process, something would be created that the present system lacks: a private economic interest group with a stake in lobbying for land conservation.

In short, it's the perfect marriage of the free market and environmentalism. And the costs should be modest. Over the last decade, about 1.5 million new acres per year were developed in the United States. Thus, a build-and-save charge of \$1,000 per acre would generate \$1.5 billion annually, almost five times as much as the \$328 million that President Clinton's fiscal 1999 budget proposal allots to land preservation. (Of course, once build-and-save went into effect, federal appropriations for land preservation would no longer be needed.)

As it happens, \$1,000 per acre is a pretty good estimate of what it would cost to buy a new acre of "wild" land. Such property generally costs less than prime development land. Duke Power, based in Charlotte, North Carolina, recently sold a 32,000-acre tract in the Jocassee Gorges, a glorious section of the Blue Ridge Mountains, to the state of South Carolina for conversion into preservation land at a price of \$656 an acre. A 50,000-acre block of land in the Everglades was recently sold for preservation at \$2,670 per acre, a relatively high figure because the land had agricultural value.

True, \$1,000 per acre sounds like a lot, but it will almost always work out to less than one percent of new construction costs. (And the charge could be capped to assure that build-and-save fees never exceeded one percent of the total cost of new development.) For a typical new home on a third-of-an-acre lot, the additional cost from build-and-save would be \$300, or a mere 0.2 percent of the price of a typical new detached home. As for commercial real estate, if build-and-save had applied to the 78-acre, \$625 million Mall of America near Minneapolis, developers would have paid \$78,000 into the preservation fund—0.01 percent of the project's cost. Disney's \$2.5 billion, 10,000-acre Celebration, Florida, development would have been charged \$10 million—a mere 0.4 percent of the project's price tag.

Of course, everyone wants the lowest possible price for new homes, prepackaged theme towns, or any other kind of construction. But most home buyers probably would not object to paying a few hundred dol-

lars extra if they knew the money was being used for land conservation. Participating in build-and-save would even make buyers of new homes feel less guilty about turning over fresh soil for their dwellings, since for every square foot of land they consumed, an equal amount would be preserved elsewhere. Commercial developers would probably prefer a predictable preservation fee to the roulette wheel of ESA litigation. The beauty of this plan is that it harmonizes the interests of developers and preservationists. Anti-growth forces might even reevaluate their positions once they know that the more the country is developed, the more funds flow into land preservation.

Since our 2.3 billion-acre nation contains hundreds of millions of acres of undeveloped habitat, the build-and-save plan could operate for many generations before there would be any worry of running out of land. Decisions about where to invest land-conservation funds would be made by a new organization to be modeled on the Nature Conservancy, the highly admired private organization that already does on a local scale what the build-and-save plan contemplates on a national scale.

Future generations will judge us harshly if we continue to consume land for our needs without setting aside equal amounts for biodiversity and for our descendants. The build-and-save plan would make habitat protection and conservation automatic features of the U.S. economy. Developers could even boast of how their projects were helping to preserve nature, rather than having to apologize for the urge to build.

GREGG EASTERBROOK is a contributing editor at *The Atlantic Monthly* and at *U.S. News & World Report*. His book *Beside Still Waters* will be published in November by William Morrow.

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## Whatever happened to REGO?

# UNDERCOVERED

By Paul Glasris

Vice President Al Gore's National Performance Review—the "reinventing government" program—is the single biggest domestic initiative undertaken by the man most likely to head the Democratic ticket in 2000, a man who could become president even sooner should the Lewinsky scandal drive Bill Clinton from office. So one would think the media would be scouring the bureaucracy to see if NPR had done what Gore promised it would do: make the federal government "work better and cost less."

But Gore's effort gets almost no serious national media coverage. The program received a burst of good press back in 1993 when Gore unveiled hundreds of recommendations to fix and streamline the government in a report called "From Red Tape to Results." Since then, however, coverage has been sporadic and often sniggering. When Gore held a press conference to release his most recent annual progress report last November, *The New York Times* seemed to take special delight in reporting that only "a handful" of reporters showed up and that "some of the assigned seats were empty." The *Times* went on to describe Gore's quixotic attempt to overcome "the yawns" that have greeted previous annual progress reports, noting that this latest version was printed in large type and was illustrated with "Dilbert" cartoons.

So how is NPR doing? That depends on whom you ask. A few of the handful of experts who have studied NPR think it's a farce; the rest give it reasonably good marks. The program can claim high-profile successes, such as transforming the Federal Emergency Management Agency into a crack disaster-relief outfit and winning passage of landmark procurement-reform legislation. And there are hundreds of smaller efforts deep within the bureaucracy that seem, on the surface at least, promising. NPR's latest annual report is filled with impressive-sounding anecdotes: a defense distributing agency that cut its supervisor-to-staff ratio by a third, reduced its delivery times by 300 percent, saved \$28 million, and so on. Yet not a single national publication has actually bothered to check out the report's claims.

Gore, of course, is anxious for the press to start paying more attention. He has staked much of his political reputation on NPR, and it will hurt his prospects in 2000 if reporters treat it as a joke. The ideological stakes are also high. Centrist Democrats know that they are more likely to gain support for new government programs if they can convince voters that the existing programs are well-managed. On the other hand, the agenda of anti-government Republicans will be immeasurably strengthened if it turns out that government agencies haven't improved despite everything Gore has tried to do. More coverage is in their interest, too.

So why hasn't the press followed up? The biggest reason is that even wonky writers like me get bored with stories about government administration (as opposed to policy-making), and we assume that our readers do, too. As *The New York Times's* Michael Oreskes puts it: "Reinventing the way the Department of Veterans Affairs purchases paper clips is a valuable thing to do, but it doesn't make much of a story." Yet news organizations print plenty of stuff readers aren't really interested in. Before the Lewinsky scandal, three of *The Los Angeles Times's* roughly 50-member Washington bureau were covering the campaign finance scandal—a story about which the paper's own polls show readers don't care.

And is it really true that readers aren't interested in reforming government? I wonder. One could make the case that there is a "politics of management" emerging

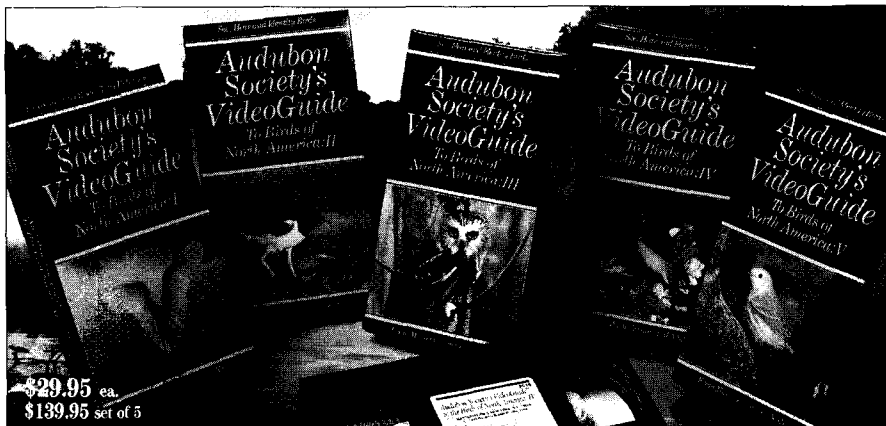
in America, in which voters are increasingly prone to judge elected officials by the performance of the government agencies for which they are responsible. Witness the extraordinary popularity of mayors like Richard M. Daley in Chicago and Rudy Giuliani in New York—politicians who revel in the role of efficient managers who can get garbage picked up and criminals locked up. In a Peter Hart/Robert Teeter poll conducted last year for the Center for Excellence in Government, 1,000 American adults were asked what was their "top priority" for federal elected officials. Fifty-four percent answered "to make government more effective through better management," up from 49 percent in 1995. By contrast, only eight percent said "to make government smaller by cutting programs," down from nine percent in 1995. So, if anything, the media seem to be disregarding—not pandering to—their readers.

Another reason reporters shy away from covering NPR is that it's hard to draw firm conclusions about whether the reforms are working because the public sector, unlike the private sector, doesn't have a bottom line. A business reporter can write a piece on, say, just-in-time inventory in the auto industry, because he can know what that reform means for a firm's overall performance by reading its balance sheet and reports by stock analysts. He can check the company's stock price, profits-to-earnings ratio, return on investment, and market share. When he then goes out to the company's plants and dealerships to make firsthand observations about just-in-time inventory practices, he knows how those impressions and anecdotes fit into the overall measure.

Reporting on government, however, is often completely anecdotal. Governments measure inputs (how many dollars are spent on, say, transportation-safety programs, or how many federal employees are assigned to it); they measure some outputs (how many safety seminars were held). But the key performance measures (how many fewer traffic fatalities there were as a result of these seminars) are usually missing, and reporters generalize from anecdotal evidence.

Like many journalists, I wrote a finger-wagging story a few months ago about the horrible treatment some taxpayers suffered at the hands of a draconian IRS bureaucracy. (Scandals, be they about corruption, waste, or the ill-treatment of citizens, are the one exception to the general rule that reporters don't like to write about government administration.) But while stories like the IRS fiasco are worth writing, and probably spur some improvement, they seldom provide readers with a balanced picture of how well an agency is doing its job. No one knows, for instance, if the portion of tax filers being abused by IRS officers is five percent or 0.005 percent—or indeed whether the problem is getting better or worse.

The lack of reliable performance data makes it hard even for the government's own watchdogs to evaluate NPR. In 1995, the General Accounting Office surveyed 185 "reinvention labs" that NPR had designated within the bowels of the bureaucracy. These are typically small-scale efforts that liberate frontline managers from certain rules and regulations in order to improve customer

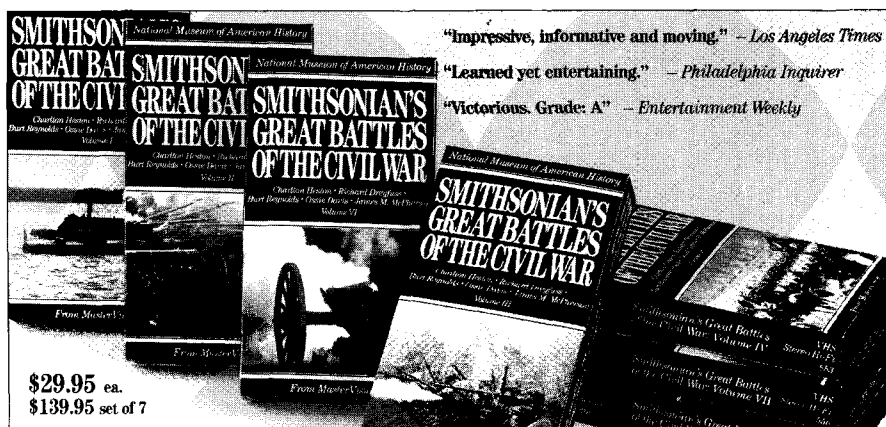


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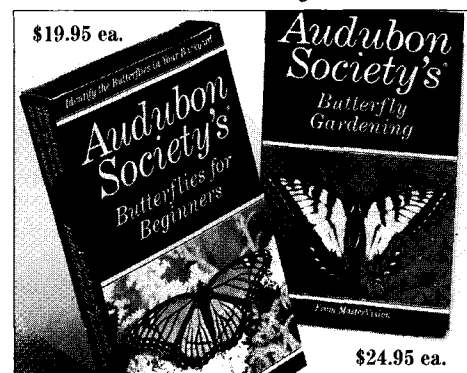
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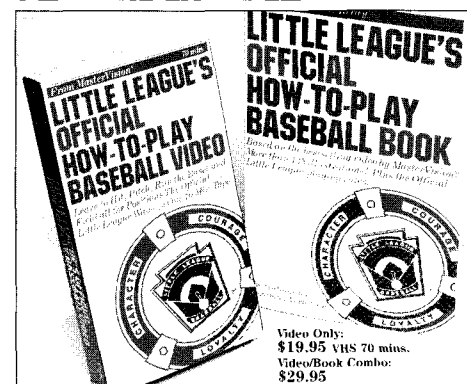
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service. The GAO concluded that the majority had achieved some good results, but it complained about the quality of performance data it had to work with and said few of the lessons learned in these small labs were being applied to the government as a whole.

Reinventing government is measurable, however, in one way: bodies. In his first NPR report, Gore promised to slash the federal workforce by a quarter-million people. Today, Clinton can brag—as he did in the State of the Union—that the number of federal employees is down by 300,000 since 1992, making the current workforce the smallest it has been since the Kennedy administration. This is one claim that the press has looked at critically. Numerous stories have reported that the administration's figures, though real, hide disproportionate defense cuts. The press has also noted that because the staff reductions were achieved not by firing the least capable employees, but through voluntary means (such as incentive packages), the government lost some of its best-trained, best-motivated employees. The point is this: Reporters become engaged in the reinventing-government story only when there is an overall number to look into. The best way, then, to get reporters interested in NPR is to provide them with quantifiable, bottom-line-like measures of how well government agencies perform—even if those numbers turn out to be debatable.

As it happens, such numbers may be on the way. In 1993, a bipartisan majority in Congress passed the Government Performance and Results Act. This law requires that every government agency write a mission statement, develop ways to measure success in fulfilling the mission, then start collecting, analyzing, and reporting these performance measures. The first hard performance numbers are scheduled under the law to be released in 2000, just in time for the presidential race.

If NPR is the Clinton administration's best stab at

reform, the Results Act is Congress's. Last fall, on the same day Gore released his latest NPR report, House Majority Leader Dick Armey released a report grading the first mission statements agencies delivered under the act. Armey gave most of them failing grades, noting, for instance, the Agriculture Department's pledge to fix the millennium bug in all department computer systems by 2002. Still, the Republican-controlled Congress seems committed to making the act work.

Meanwhile, mindful of the criticism that NPR is too modest an initiative, and eager for splashier successes on which to campaign, Gore has reorganized NPR and ratcheted up its mission. Under a new plan to be rolled out next month on the fifth anniversary of the first reinventing-government report, NPR will no longer focus merely on tiny nodes of improvement within vast bureaucracies. Instead, it will seek to achieve measurable service improvements in entire agencies—particularly those with which voters have the most direct contact: the IRS, the Social Security Administration, and the U.S. Customs Service, among others. "We need to elevate the relevance of our work," says NPR's new chief, former AT&T Vice President Morley Winograd. Even the program's name has changed. NPR now stands for National Partnership for Reinventing Government (the "G" is silent). Gore's new plan is also an effort to keep the GOP from stealing the torch of reform. The two parties are now competing over how best to reform the IRS—a subject that clearly interests voters. If this reformist competition continues to grow, the "politics of management" may finally descend on Washington, and the press will be forced to cover it, whether it wants to or not.

PAUL GLASTRIS is a senior writer at *U.S. News & World Report*.

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**Al Gore, racial moralist.**

# COLOR BIND

*By Jim Sleeper*

**T**he closing weeks of 1997 were not tranquil ones for President Clinton's national initiative on race. Trouble erupted on November 19, when the panel's chairman, John Hope Franklin, offended even supporters of the initiative by excluding Ward Connerly, the the chief advocate of

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JIM SLEEPER is the author of *Liberal Racism* (Viking).

California's Proposition 209, from a forum on diversity in higher education. Clinton himself clashed awkwardly with Abigail Thernstrom, another opponent of affirmative action, at a presidential town meeting on race on December 3 in Akron, Ohio. Then, on December 15, Clinton dismayed even moderate critics of his civil rights policies by naming Bill Lann Lee, a veteran NAACP litigator on behalf of racial preferences, as his acting

assistant attorney general for civil rights.

His efforts at racial dialogue producing anything but, Clinton responded with, of course, more talk. Four days after appointing Lee, he invited Connerly, Thernstrom, her coauthor (and husband) Stephan Thernstrom, activist Linda Chavez, Representative Charles Canady, and other affirmative-action critics to a meeting in the Oval Office to air their views. For Clinton, it was an opportunity to co-opt and appease his foes after weeks of contention.

Vice President Al Gore was there, too. But he did not seem to share the president's nonconfrontational agenda. He saw the meeting as an opportunity to do something he had done before and has done again since: to wield moral reproach as a means of discrediting opponents of affirmative action. The transcript of Gore's intervention confirms what participants I have talked with recall: Gore repeatedly misconstrued their comments as positions they don't really hold and lectured them about racist evils which some of them know more intimately than he does.

Clinton and the guests had been talking for nearly a half hour when Gore first spoke up. He asked the group to imagine a city whose population was 50 percent black but whose police force was 100 percent white. "Under those circumstances," he asked, "do you think that the community would be justified in making affirmative-action efforts to open up a lot more positions on the police force for blacks?" Canady replied that, instead of using explicit racial classifications that equate skin color with sensitivity, he would support community policing and require more cops to live where they serve. "Of course, I strongly disagree with you," Gore answered, insisting that to deny "that a police force with black representation on the force would have an easier time relating to the black community is, I think, to deny the obvious, with all due respect." But Canady had denied no such thing; Clinton himself seemed to side with Canady by praising a white Chicago firefighter who had recently risked his life to save two black girls because "he was in tune with the people of that community."

When Chavez noted that, in fact, few predominantly black cities still have all-white police forces and urged, along with the Thernstroms, that racial preferences be replaced with more anti-discrimination enforcement, assiduous outreach, and attention to "root causes" of black underrepresentation such as racial gaps in measured reading ability, Gore told them that they were "profoundly wrong."

When Chavez ventured that racial preferences might make some people think that her own three sons were not capable of meeting the same standards as white children, Gore changed the subject. Repeating bits of a Harvard commencement address he'd given in 1994, he said, "It is naïve in the extreme to assert that there is no persistent vulnerability to prejudice rooted in human nature," adding that prejudice based on race and ethnicity can lead "to an unleashing of evil. I think that evil lies coiled in the human soul ... to deny that there is

this factor called race that is persistent is, I think, just wrong." Again, nobody had denied that. Chavez and others left the meeting feeling that Gore hadn't addressed their arguments in good faith.

It was a remarkably inflexible performance, especially for a politician whose hallmarks are intellectual curiosity and a fascination with the futuristic. Old racial categories and paradigms are coming under pressure from new realities: the rise in cross-racial voting in the Deep South; more interracial marriage with millions of mixed-race offspring; a deluge of nonwhite immigrants whose concepts of race are more fluid and ecumenical than those of most American-born blacks and whites. Yet race is one area where Gore toes an obsolescent line, catering even more assiduously than Clinton to the priorities of a civil rights lobby that seems to draw a new racial distinction every day.

Gore has, at times, approached race the same way he has tried to master arms control and the environment: by soliciting and engaging a broad sample of expert opinion. Early in 1995, he invited 20 prominent thinkers about race to unconstrained discussions over three consecutive dinners at the vice president's mansion. Historian John Hope Franklin, sociologist William Julius Wilson, philosophy professor Cornel West, and economist Glenn Loury gave talks before dinner. Dissenters from civil rights orthodoxy—such as writers Shelby Steele and Stanley Crouch and law professor Stephen Carter—held forth less formally over coffee and dessert.

But it's not clear what impact, if any, this exercise had on Gore's thinking. If he understands that critics of current racial preferences are not always ignoramuses or hypocrites, little in his recent words suggests it. If he grasps how easily his own presumptions about the immutability of racial differences can feed racism itself—how, as Senior U.S. District Judge G. Thomas Eisele of Arkansas puts it, "pride is only a heartbeat away from prejudice"—he doesn't acknowledge it. If he sees a distinction between affirmative action as outreach or remediation and more rigid racial preferences that strain transracial standards, and, with them, interracial comity, he hasn't let on.

What accounts for Gore's adherence to what Harvard sociologist Orlando Patterson has called the "racism forever" mindset? Electoral politics is one reason. In 1992, Gore and Clinton seemed to run against civil rights orthodoxies, but then they made their peace. And now Gore is determined to reassure core Democratic constituencies, including the "race industry" made up of civil rights lobbies and allied bureaucrats and diversity consultants. "He's a juggernaut, systematically nailing down liberal labor, feminist, and civil rights groups," says Will Marshall of the Democratic Leadership Council, a centrist organization that has long supported Gore.

At the moment, Gore's racial moralism has no political downside. Although most Americans dislike racial preferences, most also dislike racism and are easily cowed by moral reproaches. Those who would follow

different paths have no partisan vehicle; Gore faces no challenge from a New Democrat critic of current racial policies, and even Republicans have begun to shy away from such measures as California's Proposition 209. Two years ago, they all but dropped the Dole-Canady bill against preferences.

If these patterns hold, Gore need only outflank those to his left, like Representative Richard Gephardt and the Rev. Jesse Jackson, who dashed Gore's presidential hopes in the 1988 New York primary. Entering the state after a strong Super Tuesday performance in the South, Gore floundered on race when Mayor Ed Koch, endorsing him, said that Jews would have "to be crazy" to vote for Jackson. The remark raised so many hackles that Jackson swept heavily African American New York City, running second to Michael Dukakis statewide and leaving Gore in the dust.

**Y**et conviction as well as electoral calculation shapes Gore's racial views. A Tennessean who came of age during the 1960s, the son of one of the South's leading racial moderate politicians, he approaches race with a penitential Southern attitude whose moralism borders on the Manichaean. Clinton is a Southern liberal, too, but by temperament and class background he is more intimate with poor blacks and poor whites than is Gore. Compare the two men's accounts of their earliest moments of racial insight. Gore recalls how, when he was a boy, his father, Senator Albert Gore Sr., took him to see a big house that was changing owners just up the hill from the Gore home in Carthage, Tennessee. Instead of lingering in the ornate dining room, he has said, "my father took me down to the basement and pointed to the dark, dank stone walls and the cold metal rings lined up in a row. Slave rings."

Soon afterward, in neighboring Arkansas, Clinton was going swimming with black friends in a youthful effort to integrate the local public pool. Addressing ordinary whites or blacks—or both—Clinton seems to draw from a reservoir of empathy and intuition. "When Clinton walks into a black church, he's transformed," says Marshall. "He gets the cadence and the voice so right that he can set up his listeners for new challenges and, without a script, even tell them some things they don't want to hear."

Gore doesn't have that, so he just turns up the volume. The result is earnest but overblown rhetoric like the speech he gave at Atlanta's Ebenezer Baptist Church on Martin Luther King Day this year, only a month after his White House confrontation with the critics of racial preferences. From the pulpit, he thundered against "modern apostles of apathy" who "roll [King's] words off their tongues even as they try to roll back equal opportunity" and invoke "the phrase 'the content of our character' ... [to] pretend that that is all we need to establish a color-blind society. They use their color-blind the way duck hunters use a duck blind. They hide behind the phrase and just hope that we, like the ducks, won't be able to see through it. They're in favor of affirmative action if you can dunk the basketball. But they're not in favor of it if you merely have the potential to be a leader of your com-

munity ... to teach people who are hungry for knowledge.... So I say: We see through your color-blind! Amazing grace saved a wretch like me," the vice president concluded. "Was color-blind, but now I see!"

Ironically, Gore's strident racial moralism departs from the honorable but more grounded approach of his father. From 1939 through the 1960s, Gore Sr. advocated New Deal economic development (as in the Tennessee Valley Authority) and income redistribution to ease the South's transition to racial integration. A populist scourge of big business, he favored government intervention in economic relations more than in racial ones, which he hoped could be improved through voting rights and bans on discrimination. And not those alone: In 1956, he joined Tennessee colleague Estes Kefauver and Senate Majority Leader Lyndon Johnson as the only Southern senators who refused to sign the anti-integrationist Southern Manifesto.

But Gore Sr. drew the line at the 1964 Civil Rights Act. Although he had voted often to integrate public accommodations and to ban job discrimination, he thought the 1964 act would uproot struggling small businesses and neighborhoods built only recently by whites who had known little but grinding poverty before the 1950s. This philosophical preference for economic populism over social engineering cost him support from the beloved, if often symbolic, community of affluent white liberals and poor blacks. Only later, says historian Tony Badger, who has written extensively about the elder Gore, did he "come to see that his populist faith in economic measures and the right to vote would not solve everything, which is why he voted for the 1968 [Fair Housing] Act."

**T**hat change of heart came too late for liberals—and went too far for conservatives. As the white middle class, which Gore Sr. had promoted, pulled up the ladder behind it, and as King's assassination in Memphis deepened even racially moderate Tennessee's polarization, the senator found himself standing on the untenable middle ground. His vote on the 1964 act was never quite forgiven by Tennessee's civil rights coalition; his left-of-center economics made him a pariah to the right. In 1970, he lost his seat to Republican Bill Brock, who ran a scurrilous campaign impugning Gore Sr.'s views on race and Vietnam.

Gore Jr. seems determined not to run the political risk of reexamining his racial commitments as his father did. The irony is that the son's ostensibly left-facing political strategy reverses his father's original, more authentically "progressive" emphasis on economic redistribution. Should economic prospects worsen and class differences deepen, the older Gore's populism could resonate more deeply with Americans than his son's commitment to affirmative action. The vice president's racial moralism—and his faith in global technologies and trade—may not be enough to curb the class and racial antagonisms the Democratic Party is trying to color-code out of our minds. We need racial compassion leavened with transracial candor, not political pandering buttressed by moral censure. •

# TOMORROW NEVER DIES

By Jacob Heilbrunn

On the blustery morning of February 6, Vice President Al Gore welcomed British Prime Minister Tony Blair to a formal breakfast in the State Department's Franklin Room. As the crowd of Democratic loyalists and British diplomats settled in, Gore began with one of his trademark gags about reinventing government. He pulled out two framed hammers—a play on the infamous \$435 hammers Ronald Reagan's Pentagon once purchased—and presented them to two British and American scientists who had cut research costs. Once the laughter subsided, Gore's voice recovered its customary monotone. But then, quite suddenly, it welled with emotion as the vice president alluded to the work of British and American negotiators at the Kyoto summit on global warming. "I don't know of any clearer example of how this special relationship works," he said.

It was a revealing moment. The prime minister of Great Britain, America's only reliable ally in the impending Iraqi offensive, was visiting Washington, and the vice president was mesmerized by the two countries' environmental cooperation. For all of the talk about Gore as a sober, cautious, and pragmatic politician, episodes like these suggest he is a man motivated, or maybe possessed, by a coherent ideology. This ideology is not about left or right, about higher or lower taxes, about unions or big business. It is about something else—futurism. Gore believes more in the power of knowledge than in the knowledge of power. He believes he can transcend messy political divisions by high-minded championing of high technology. He believes he can save humanity from itself, if only everybody will just listen to what he and his experts have to say.

For a politician, futurism can be a source of energy or a source of distraction. In the case of Newt Gingrich, extravagant theories about America's destiny helped supply the impetus and rationale for his Republican revolution in Congress. But it also led him into embarrassments such as the laptop-in-every-ghetto proposal. So far, Gore has successfully squared the circle. He has managed to separate his abstract approach to global problems from his role as spokesman for the pragmatic, politically moderate Clinton administration. Called upon to defend NAFTA or the administration's budget, he can be reasonable and tough-minded and effective.

But when that job is accomplished, he turns back to renewable energy. There is Gore the politician. There is Gore the theoretician. And never the twain shall meet.

Or shall they? In recent months, Gore has been forced to reconcile his strong environmental beliefs with the even stronger political pressures against changing American energy-consumption habits to achieve reductions in global emissions. Such tensions can only mount as the 2000 presidential race approaches, forcing Gore to take his own stands. Theorizing will inevitably clash with politicking, and it's not entirely clear which side will carry the day.

No set of issues better illuminates this tension than foreign policy, the arena that first captured his imagination as a young lawmaker and the one in which Gore's influence on administration policy has perhaps been most pronounced. Gore is a serious student of international relations, yet he brings a nontraditional approach to foreign policy debates. He sees domestic and foreign policy as extensions of each other, as if all politics were global, not local. And, instinctively, he views the world in terms of crises like population control, global warming, and arms transfers. Even when confronting more traditional foreign policy issues—like nuclear disarmament in the '80s, or China policy in the '90s—his preference has been to frame them in terms of environmental and technological concerns rather than in terms of classical concepts such as the balance of power.

At times, Gore's emphasis on moralpolitik has nicely coincided with realpolitik: in Bosnia, for instance, he advocated robust American action in the name of both stopping genocide and shoring up the U.S. position in Europe. But for the most part, Gore has focused on ostensibly nonpolitical global issues that position him well above the fray. He has thus often elided tough policy choices, substituted deep thought for risky action, sidestepped controversial trade-offs—not to mention his own emotional limitations as a public politician. But, if he becomes president, such maneuverings will become untenable. The real Al Gore will have to stand up.

Gore's emphasis on international institutions and negotiations has a Tennessean flavor that dates back to Cordell Hull, Franklin Roosevelt's secretary of state and a chief promoter of the United Nations. As a Tennessee

congressman during the early '30s, Hull opposed high tariffs since they aided the industrial North; as secretary of state, Hull's internationalism shaped Gore's father, Senator Albert Gore Sr. The elder Gore was a leading Tennessee New Dealer during the '30s when Hull, bucking the isolationist trend, was championing reciprocal trade agreements and engagement abroad. But Gore Sr. also devoted much energy to decrying the arms race, nuclear power, and industrial pollution. To him, the showpiece of the New Deal—the Tennessee Valley Authority—brought home the need for government regulation of the energy industry.

It was a conviction he never lost. "Our problems of today," Albert Sr. wrote in his 1970 book *In the Eye of the Storm*, "are of a different quality, a more frightening quality, which may perhaps be best epitomized by the very real prospect that man may so upset the atmosphere, by increasing its carbon dioxide content, that the whole earth's climate will be changed." Sound familiar? With such strongly held views at a time when they were anything but commonplace, *père* molded *fils* into an instrument to carry on the New Deal crusade of preventing corrupt industrialists from gouging taxpayers and pillaging the environment.

The most wrenching issue that Albert Sr. took on was Vietnam. As a freshman senator, he opposed aiding the French after Dien Bien Phu in 1954, and, after the U.S. entered Vietnam, he was one of the war's fiercest critics. Still, Al Jr., fresh out of Harvard—and fresh out of draft deferments—decided to enlist in the Army. "I think he went through that crisis of conscience," says John Seigenthaler, a family friend and former editor of *The Nashville Tennessean*, "and concluded that he felt impelled to serve."

The pressure to do so must have been intense. His father was facing a tough right-wing challenge in his upcoming 1970 reelection race, and Gore would end up campaigning for his father in uniform. While his father demanded that "we cut the umbilical cord which binds us to the amoral junta in Saigon," the son served as an Army information specialist—that is, a reporter—with the U.S. Army's 20th Engineers Brigade at Bien Hoa, which was about 30 miles north of Saigon. Covering the company as it attempted both to wage war and to remake the South Vietnamese infrastructure by creating roads in the isolated countryside left Gore with a lifelong admiration for engineers.

As a senator's son, Gore did not have to fear being sent to the front. "He was a cut above a lot of the guys, and he arrived in our company with a name," says Mike O'Hara, who was Gore's buddy in Vietnam and now covers sports for *The Detroit News*. "We were aware we were getting a senator's son." But while Gore may not have been slogging it out with the infantry, he did get a pretty good taste of the war. O'Hara says that, as reporters, he and Gore "could go anywhere." They did, traveling up to the Cambodian border where the fighting was fiercest. O'Hara and Gore spent much of their time reporting on the construction projects of the engineers, and Gore was fascinated by the materials that they used.

One of Gore's most dramatic stories was about a camp known as Fire Support Base Blue located close to the border; in an article reprinted in the *Tennessean*, Gore explained how the base was overrun by Vietcong and stressed the heroism and organizational skill displayed by the engineers: "The primary mission of the engineers is improving and maintaining the local road net, and building up gun pads. But when the attack began, it was the 35 engineers who responded quickly and effectively to save the fire base." The coolness and precision of the engineers were precisely the qualities that Gore himself would seek to emulate in his political career.

Despite a striking campaign ad of Albert Sr. on a white horse and Albert Jr. in his fatigues, Gore's father was defeated, target number one of the new Republican Southern Strategy. The GOP depicted him as a "third senator from Massachusetts." According to Seigenthaler, Gore's opponent, Bill Brock, "didn't do it, but the commercials said he was against his country, against prayer; the whole idea was that he was a radical liberal." The loss devastated father and son. "My sense," Seigenthaler says, "was that Al [Jr.] was disillusioned with politics."

**T**he episode confirmed Gore's intuition that it would be best to shelter provocative ideas under a phlegmatic veneer. Tennesseans had eventually wearied of his father's rhetorical fireworks, so Al Jr. substituted a restrained monotone, never decrying the war in the passionate terms his father invoked. To him, Vietnam was a blunder, not a sin. "I never heard him express bitterness," says Seigenthaler. Frank Sutherland, the current editor of the *Tennessean*, says that Gore "came back with a sense that effectiveness is one of the most important traits a public official can have. . . . He wanted solutions. The Vietnam War had no solutions."

It was, in part, this faith in the power of knowledge that led Gore to join the *Tennessean*. He had a passion for snooping out misuse of political and business power; just laying out the facts, he thought, should be enough to change people's minds and punish the guilty and clean up government. But while Gore uncovered his share of sensational stories, he was frustrated by their failure to achieve concrete results. His articles weren't generating change as quickly as he wanted, and the antics of local politicians had begun to seem pedestrian.

So Gore left beat reporting, and, in 1976, after a stint in law school, he decided to enter politics. As David Maraniss observed in *The Washington Post*, Gore came to realize "his real obsession was with information—how it is gathered, arranged, and communicated—and that perhaps he could advance that interest more powerfully in politics than in journalism, using many of the same skills." He ran for the seat of retired congressman Joe L. Evins from Tennessee's Fourth District and won handily.

As a congressman, Gore finally got his chance to fuse moralism with a technocratic approach to political issues. Like Gingrich, who entered the House in 1979, Gore had become a fan of Alvin Toffler, the author of

*Future Shock*. Gore and Gingrich both joined an outfit known as the Congressional clearinghouse on the Future which had been established in 1976 by North Carolina Democrat Charlie Rose. The clearinghouse published a newsletter and held meetings with scientific popularizers like Carl Sagan. As John Heilemann noted in *Wired*, Gore and Gingrich hit it off, even meeting for dinner at each other's homes. In 1985, Gore, by then a senator, and Gingrich introduced a piece of legislation called the Critical Trends Assessment Act. It was supposed to create an office in the White House with an annual budget of \$5 million that would study the "potential effects of government policies on critical trends and alternative futures." The bill didn't go anywhere.

By then, Gore had hit upon another technology-related issue, nuclear weapons, which would garner him national attention. It began during his second term in the House when he attended a Girls' State meeting in Murfreesboro, Tennessee. Gore was distressed when, after asking the girls whether nuclear war could be prevented, only a few raised their hands. It touched a suppressed streak of sentimentality that manifested itself years later during the Bosnian crisis, when Gore the vice president stormed into Clinton's office demanding action after his daughter Karenna expressed her horror upon seeing pictures of a Bosnian girl who had hanged herself.

During the '80s, Gore set about fashioning himself into a defense intellectual. He landed a seat on the House Intelligence Committee and created his own crash course on nuclear weapons. Recalls the *Tennessean's* Frank Sutherland: "I went by his house one day in Virginia when he was working on missile technology, surrounded by stacks of books. He said, 'I'm trying to learn about nuclear technology. I have to learn how missiles work first.'"

Gore was scarcely the only young senator engrossed in earnest self-taught seminars. During the early '80s, arms control was almost a chic political issue. A number of

what were then called "Atari Democrats" such as Sam Nunn and Gary Hart championed a modified form of arms control. Like many Democrats, Gore supported a nuclear freeze. But Gore and the other Atari Democrats also sought an alternative—a more technocratic solution that would not be so polarizing. According to Hart, "I think there were a lot of people [who] were looking for a third way between liberal and conservative positions. It was a kind of combination of a reformed military, a reasonably strong posture on U.S.-Soviet issues, not just knee-jerk opposition to defense issues." "My generation and Al's," Hart adds, "was less inclined to see the world in black-and-white terms."

This approach won him the national spotlight during one of the biggest arms-race controversies of the Reagan years, the proposal to build MX missiles with ten warheads each and hide them in the desert, where the Soviets would supposedly have a harder time hitting them. Since the Reagan plan meant a net increase in U.S. armaments, Gore championed a second proposal—placing single-warhead "Midgetman" missiles on high-tech mobile launchers. Importantly, Gore presented his plan not as an alternative, but as a supplement. Indeed, he would ultimately support both the Midgetman and the MX.

But sometimes lofty technocentrism did

not serve Gore well. Gore's rigidly rational analysis led him to oppose development of the technology that really mattered: the Strategic Defense Initiative, or Star Wars. Democrats like Gore had said SDI would wreck arms-control efforts with the Soviets because it would only prompt them to go on a crash missile-building program. In fact, it had precisely the opposite effect. The Soviets realized they couldn't keep up with American technology. While Gore and company were burrowing their way into abstruse texts about throw weights and circular-error probability, the Kremlin was suffering a panic attack at the prospect of being spent into submission by Ronald Reagan's America. Under Mikhail Gorbachev, they offered arms-control proposals that



AL GORE BY VINT LAWRENCE FOR THE NEW REPUBLIC

slashed, not just froze, missile inventories.

Indeed, in hindsight the exertions of the Gores and the Harts seem beside the point. Was it really necessary to understand how missiles functioned in order to grasp the rights and wrongs of the issue at hand, which was not nuclear weapons as such, but the struggle against communism? Ronald Reagan didn't know how a car worked, much less a missile. But he knew communism was evil. Contrast this with the Democrats, who, as Hart says, felt uncomfortable with such visceral judgments. Gore's immersion in technology, you might say, was a distraction from the nub of the matter: the aggressive nature of Soviet Communism and the fact that only internal political change in Moscow, accelerated as much as possible by U.S. pressure, including SDI, could lead to real arms control. Alas, Gore's generation of Democrats failed to understand this.

To be sure, Gore would later come to be identified as a something of a Democratic hawk. But this was not a volte-face. It was not even very difficult. Running for president in 1988 with candidates such as Michael Dukakis and Jesse Jackson and Richard Gephardt as his adversaries, Gore adopted moderate positions that sounded hard-line in the context of a McGovernized Democratic Party still lurching leftward in the aftermath of Vietnam. Gore took a muscular line on Israel, the Nicaraguan contras, and the use of force abroad generally. "I think it is important to realize that we do have interests in the world that are important enough to defend, to stand up for," Gore said. "And we should not be so burned by the tragedy of Vietnam that we fail to recognize an interest that requires the assertion of force." Gore pointed to his support for the 1983 Grenada invasion and the reflagging of Kuwaiti oil tankers in the Persian Gulf. And Gore was resolutely pro-Israel: he attacked Jesse Jackson for supporting the PLO and Michael Dukakis for endorsing a letter signed by 30 U.S. senators stating that they were "dismayed" by the Israeli refusal to consider land for peace. "The impediment" to peace, Gore told *The New York Times* on April 11, 1988, "is the unwillingness of any Arab nation to come forward."

It would be unfair to say Gore arrived at all of these positions by sheer partisan calculation. On Israel, for example, Gore was clearly influenced by his father's unwavering emotional commitment to the Jewish state. In 1970, at a time when it was not necessarily fashionable to do so, the elder Gore said that "the United States has a political affinity with Israel and a moral obligation growing out of its creation which cannot be dismissed." Years later, Gore Jr. would vote for the Gulf war—a vote that, while shrewd in hindsight, was risky at the time. As one official close to Gore told me, "A lot of people told him if he had presidential ambitions, he was finished." George Mitchell, then Senate majority leader, would not speak to Gore for months.

But even if genuine, Gore's views about such conventional foreign policy concerns were still, in a way, secondary. The main reason that Gore ran in 1988 was

because he wanted to make the environment a political issue. In his speech declaring his candidacy, Gore declared that global warming, ozone depletion, and arms control would be the issues of focus in his campaign. Columnist George F. Will sniffed that Gore's candidacy was driven by "a consuming interest in issues that are, in the eyes of the electorate, not even peripheral." Will was right. It was only after these issues failed to excite voters that Gore played up his differences with other Democrats on hard-core foreign policy issues.

When the arms race receded, Gore could finally throw himself into grappling with the threat that he saw as nuclear annihilation's logical successor—namely, environmental apocalypse. Today, the best clues to understanding Gore's views come from his 1992 book *Earth in the Balance: Ecology and the Human Spirit*.

As Gore recounts in the book, his mother taught him about the dangers of environmental degradation at an early age by talking to him about Rachel Carson's *Silent Spring*. At Harvard, Gore was spellbound by the lectures of Roger Revelle, who had convinced the scientific community to begin sampling carbon dioxide concentrations in the atmosphere. Later, Gore invited Revelle to testify before the House. "Remembering the power of his warning," Gore writes, "I assumed that if he just laid out the facts as clearly as he had back in that college class, my colleagues and everybody else in the hearing room would be just as shocked as I had been—and thus galvanized into action. Instead, I was the one who was shocked." The episode is reminiscent of his years as a newspaper reporter; once again, Gore assumed that the mere accumulation and presentation of evidence would persuade the public of his cause's urgency.

Gore cites the Revelle episode to demonstrate his own victory over self-righteousness—self-deprecation is a public skill he has worked overtime to perfect—but other passages betray presumption and certitude. In the wake of a serious accidental injury to his son and his own presidential defeat in 1988, Gore writes, "This life change has caused me to be increasingly impatient with the status quo, with conventional wisdom, with the lazy assumption that we can always muddle through." For Gore, the strategic challenge posed by the environment was the same one posed by nuclear weapons. Government itself "may be considered a technology" in this fight. Gore even sees human beings as a technology: "When giving us dominion over the earth, did God choose an appropriate technology?" Gore's conclusion: Just as nations needed to engage in "new understandings and in a mutual transformation of the relationship itself" about nuclear weapons, so must they radically alter their approach to the global environment.

Gore's concern about environmental issues is scarcely misplaced. The smog that continues to choke American cities, not to mention the Third World, demands action. But in Gore's writings about global warming, his rhetoric gets hotter—too hot—as he moves from partisanship to utopianism. In *Earth in the Balance*, Gore seems

to suggest a moral equivalence between totalitarianism and threats to the environment. He describes environmental protesters as "resistance fighters" like those who fought Hitler in World War II. The *Kristallnacht*, he writes, revealed the failure of the U.S. to respond in 1938 to Nazi aggression: "Now warnings of a different sort signal an environmental holocaust without precedent. . . . Once again, world leaders waffle, hoping the danger will dissipate. Yet today the evidence of an ecological *Kristallnacht* is as clear as the sound of glass shattering in Berlin." At best, this is hyperbole.

What relationship do Gore's gloomy vaticinations about the fate of the earth bear to his actual record as vice president? Consider Gore's actions vis-à-vis China. During his 1997 visit to Beijing, Gore's address to Premier Li Peng, the architect of the 1989 Tiananmen Square massacre, was devoted not to human rights, not to China's saber-rattling toward Taiwan, but to the environment. Gore's science adviser, John H. Gibbons, spoke at length about Chinese environmental difficulties. After offering a history lesson on Chinese civilization and technology, Gore drew an explicit equation between the U.S. and China, saying that "perhaps in different ways, we have each come to take our natural resources for granted, assuming that we can use and sometimes abuse what nature offers freely and forever. . . ." Gore spoke at length about the dangers global warming poses to China since it has a large coastal population and about how global warming could result in a rise in sea levels.

Li may have been touched by Gore's solicitude, but the environment cannot be the centerpiece of U.S.-China relations. No matter how severe the environmental pollution in China—and it is horrendous—the main obstacle to smooth relations between the two countries remains the fact that China is run by a Communist Party intent on bullying its neighbors and grinding its own population into submission. Of course, Gore was constrained by administration policy—it was not necessarily his job to play bad cop to the Chinese. But there is scant evidence that Gore confronted the Chinese on human rights issues in anything but the mildest terms, and his conduct seems to have been of a piece with the administration's refusal to acknowledge that human rights are not separable from technological cooperation.

Something similar seems to be occurring with Gore's most visible foreign policy project: the Gore-Chernomyrdin Commission. The commission was founded in June 1993 with Russian Premier Viktor Chernomyrdin. The idea is to promote U.S.-Russian cooperation through exchanges between the two countries. Gore's advisers contend that the personal relationship between the vice president and Chernomyrdin has also been helpful in pressuring the Russians not to export nuclear materials to Iran. Deputy Secretary of State Strobe Talbott says the issue "first came up in Gore-Chernomyrdin. The idea is to combine high- and working-level agreement." Another State Department

official says that Gore has had an impact on everything from persuading the Russians on Baltic troop withdrawals to working with NATO in Bosnia.

Gore's own view of the commission appears to be quite far-reaching. According to a former Gore staffer who was involved with creating the commission, Gore sees it as a way of establishing the "basic nature of the relationship" between the two countries. Helping the Russians with access to oil reserves, agriculture, medical problems, environmental pollution, and space technology will ensure that Russia moves from a military to a civilian economy, in Gore's view. The problem with this analysis is the same as the environmental approach to China: Russia, which appears to be evolving not into a democracy but into a plebiscitarian but deeply corrupt state, continues to export weaponry abroad, no matter what the Gore-Chernomyrdin Commission decides on paper. Yet Gore's conviction that technology can be a panacea for many of the world's problems appears unshakable. He may want to ensure that the American government has access to national security information via the Clipper Chip, but he has also touted a global information infrastructure that, in his words, can promote "technical collaboration between industrialized nations and developing countries."

Gore told the International Telecommunications Union in a March 21, 1994, speech that "we will propose using the schools and students of the world to gather and study environmental information on a daily basis and communicate that data to the world through television." Gore sees economic agreements such as NAFTA as another way of solving environmental problems: "No issue," he told the Mexican, American, and Latin American chambers of commerce in December 1993, "is more important to us all in this hemisphere and in the entire world than the environment."

Certainly, no issue has been more important to Gore himself. From his early days in Vietnam to his journalism in Tennessee to arms control and technology in Congress, Gore has applied the same analytical approach. The detailed analysis he prides himself on has matched the problems he has tackled. There is no reason to assume that he would not continue the policies that Clinton has pursued toward Russia, Bosnia, and Iraq. And Gore has displayed restraint, as at Kyoto where he had to hew to the administration line rather than engage in an all-out push for action on global warming.

But Gore is someone who appears to believe that, given enough analysis, any problem can be solved, when, in fact, there are always difficult trade-offs among competing values and political interests. The answers to those dilemmas cannot always be found in scientific manuals or university panels. If he were president, Gore would be forced again and again to pursue his idealistic goals within the constraints of power politics. As Ronald Steel once observed of another Southerner, Dean Rusk, the problem with Al Gore may not be that he is too good to be true, but too true to be good. •

# BOOKS & The Arts

## Stanley Kauffmann on Films

### Change of Social Climate

Shooting fish in a barrel is hard work compared to lambasting most film versions of great novels. Even though other elements must be considered, criteria of complete fidelity, and completeness itself, make skewering no problem. With **Great Expectations** (20th Century Fox), however, the alterations are so deliberate, so clearly meant to win us, that we have to consider them first.

Mitch Glazer's screenplay transposes the novel from nineteenth-century Kent to twentieth-century Louisiana, presumably to bring it closer and also to assert its timelessness. Glazer makes Pip (I'll use the Dickens names though they are changed here) an artist when he grows up; makes Miss Havisham a ballroom dancer; disposes utterly with Herbert Pocket; and gives the convict Magwitch, who secretly financed Pip's career, a last scene in the New York subway. These and other changes are so drastic that it's pointless to indict Glazer and colleagues for changing Dickens: either they are insane or they had a reason for doing what they did.

One particular trouble they seem to have overlooked. The whole matter of class and social outlook, which underlies the novel, doesn't transpose so easily. Dickens, like any European novelist of his day, was acutely aware of class distinctions. In *Great Expectations* those distinctions are burned into the text. (The first meeting of Pip and Estella is something like the first meeting of Jean and Miss Julie in Strindberg's play.) In this modern version, class is insignificant: the distinctions are money and success. But even the money is different in Dickens.

In many of his books money is the great oxygen, the enabler in a class-conscious world so long as one doesn't work for it. Jane Austen's women spend much of their time trying to marry the requisite money. Dickens's young men, like Oliver Twist and David Copperfield and Pip, are blessed by benefactors who change their circumstances. Prospering solely through work was apparently too mundane a standard for those days, in which a rising middle class was trying to maintain the social outlook of the gentry.

So, given all the difficulties, why make this adaptation at all? The film provides its answers. The director, Alfonso Cuarón, had a vision of romance in our time, soft, dreamy, yet edged with the gothic; and with his cinematographer, Emmanuel Lubezki, he has realized it. The production design by Tony Burrough is pure storybook, just this side of fantasy much of the time. The music by Patrick Doyle, who did all of Kenneth Branagh's Shakespearian scores, keeps

suggesting moonlight and Spanish moss even when the locale shifts to the north. Cuarón, at the helm, wanted to pitch his film in a terrain accessible to modern sensibility yet different from what that sensibility is generally fed.

And he might have succeeded, except for his casting. Ethan Hawke, as the adult Pip, is a mobile glass of milk. It would be hard to be less affected by a living, breathing actor than we are by Hawke. Gwyneth Paltrow, as the adult Estella, is a reputation in search of a basis. For her first major appearance, in *Emma*, the hype about her personality and talent ballooned. The balloon is still there, but it's kept afloat with what is, so far, hot air. Anne Bancroft as Miss Havisham, here a Southern aristocrat, is a discomfiting joke, maladroit and heavy. (As for social distinction, she corrects the boy Pip's pronunciation of certain words, then makes the same mistake herself in the next line.) Bancroft's talent, such as it once was, is now swamped by her notion of herself as a great actress crowning her career.

The one telling performance is by Robert De Niro as Magwitch. Cuarón hasn't given him as marvelous a first appearance as Finlay Currie had in David Lean's 1946 film (a bit of editing that is now a film-school treasure), but Cuarón does well and De Niro does better. He is genuinely scary at the start and genuinely mellow later on.

Parents in Douglas County, Colorado, are upset—about the showing of certain films in high schools. The county school board, says *The New York Times*, has responded. No R-rated or NC-17 films can now be shown in those high schools. Schools are now limited to PG and PG-13 films, which means that, for instance, *Schindler's List* and *Platoon* cannot be shown.

It would be easy to do a latter-day Mencken number on the school board's action, to snicker at the American "booboisie" and feel sophisticatedly superior. But this would be a type of evasion. The

### FILMS WORTH SEEING

**Amistad.** Steven Spielberg, with cinematographer Janusz Kaminski, gives enveloping texture to this account of a slave revolt in 1839. Historically compressed but dramatically cogent. (Reviewed 12/22/97) **Ma Vie en Rose.** In Belgium a small boy wants to dress and behave like a girl. His impulse, quite simple to him, leads to complications. The ending is too neat, but there's plenty of perception and empathy. (1/26/98) **The Sweet Hereafter.** An understated yet complex account of what happens in a small town after a school bus accident kills most of its children. Ian Holm is outstanding as a lawyer who comes to help. (12/8/97) **Wag the Dog.** Political satire about a president's sexual entanglements. Current White House problems are not exactly the same, but, once again, life is striving to keep up with art. (2/2/98) —SK

guidance of children, as parents have told me and as anyone can see, is much more difficult than it used to be. The issue is synchronicity, the attempt to time the arrival of facts about gore and about sex in young people's consciousness as they are increasingly able to deal with such matters.

The timing is much more difficult to control these days than it used to be. Of course there were Tillie and Mac cartoon books when I was in high school; Capone and colleagues were all over the front pages and the radio; but the general environment was certainly more controlled. People felt that the synchronization of maturity with the acquisition of disturbing facts could be somewhat guided. Partly this was hypocritical, but partly it was justified; now both the hypocrisy and the justification are gone.

Now one can turn on the evening news and, ever since Vietnam, see corpses as décor. One can watch a network correspondent, standing in front of the White House, say, "The question that underlies today's news from Washington: Does oral sex constitute adultery?" The president's penis has allegedly been described by a young woman; the FBI is examining the garments of another young woman, search-

ing for presidential semen stains. Is there a high school student in this country unaware of these things?

It doesn't follow that parents should give up on guidance; no concerned parent would begin to think so. But the general informational condition does alter points of view. That condition makes it not only less jarring but more fit that good films, rated higher than the juvenile level, be shown in high schools. One Douglas County teacher said, "Students remember what they feel"—a lovely line—"and you can have a tremendous impact with a hook like a film."

It's not a question of converting works of art into teaching tools. *Schindler's List* has a study guide, but that's the least relevant point about it. What's important is that, in considerable degree, Steven Spielberg in his film and Oliver Stone in *Platoon* have mediated human behavior, possibilities, limitations, through art. Certainly young people could learn eventually about the Holocaust and about the ravages of war without those films, but the same could be said of many subjects in the high school curriculum. Schools use all available means to bring subjects closer, faster. Spielberg and Stone, to cite only two, taken as intended, can help students to feel and to remember. •

## Robert Brustein on Theater

### The Sex Life of Anton Chekhov

Anton Pavlovich Chekhov has always seemed the most generous, most selfless, most warmhearted of men—the paragon, as Richard Gilman calls him in his excellent study of Chekhov's plays, of "exemplary moral behavior and psychological good health." Although some critics, Gilman among them, have raised objections to the canonizing of Chekhov (biographies of the man often tend to blend into hagiographies), almost everyone agrees that Chekhov is one of the few modern writers with whom one would like to have been friends. He has certainly seemed a shining exception to the general run of modern dramatists, who are often hostile, predatory, or faithless in their relations with women. The thrice-married Strindberg accused the "third sex" (emancipated females) of being a coven of witches dedicated to emasculating and (in his case) electrocuting males.

Brecht maintained simultaneous relationships with five different mistresses while exploiting their money, labor, and talent. (He also treated his wife, the brilliant actress Helene Weigel, like a kitchen slave.) Shaw left a cold, unused marriage bed to conduct affairs with several actresses. Even the elderly Ibsen—the most domesticated of modern playwrights—had a courtship (though perhaps only epistolary) with an 18-year-old girl.

Ah, but Chekhov, who married only four years before he died, has always seemed almost monastic in his sexual relationships and entirely upright in his dealings with family and friends. True, biographers have noted his passing interest in such women as the children's story writer Lidia Avilova, who claimed to have been the model for Nina in *The Seagull* and nursed a passion for Chekhov throughout her life. But this passion, like that of many of Chekhov's

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female admirers, was thought to be unrequited, leading biographers such as Ronald Hingley to conclude that Chekhov's "sexual temperature was low." Even Gilman, who disputes the common belief in Chekhov's erotic coldness, speculates that he "consummated no, or very few, love affairs, because he only had so much physical energy to give."

Now, just in time to compete for a prize in the Sexual Sweepstakes—the current publishing contest over who can expose the hidden secrets in the private lives of famous men—comes a new biography by Donald Rayfield that radically revises our estimate of Chekhov's sexual exploits, if not of his moral stature. In *Anton Chekhov: A Life* (Henry Holt), Rayfield publishes the fruits of his prodigious research into many letters and documents, unrevealed till now because of the reticence of literary commentators or the puritanism of state bureaucrats. His untapped sources include Russian state archives, theatrical museums, and especially the writer's 5,000 extant letters (which Chekhov carefully preserved), many of them only published before in bowdlerized form.

The result is a life, in Rayfield's words, that "was short, but neither sweet nor simple. [Chekhov] had an extraordinary number of acquaintances and liaisons (though few true friends and lovers)." Indeed, the number of sexual encounters retailed in this book suggests that Chekhov himself may have been the model for his first, unpublished play *Platonov* (sometimes called *Don Juan in the Russian Manner*). Like his Russian Don Juan, Chekhov went from woman to woman without ever being able to settle his affections. He spent a great deal of his free time in brothels. He suffered not only from diarrhea and hemorrhoids and the tuberculosis that killed him, but also from a serious case of the clap. And despite his selfless devotion to humanity—most strikingly revealed in his humane medical practice and his arduous journey to the isolated convict colony of Sakhalin—he was a fairly indifferent friend.

Indeed, what most surprises the reader of this book is not the many sexual adventures that Chekhov initiated—including a steamy threesome in the Hotel Louvre with two outspoken lesbians—but the coldness with which he treated old mistresses in need. "I am afraid of a wife and family life which will restrict me and as I imagine won't fit in with my disorderliness," he wrote to his patron, Aleksei Suvorin. "Anyway I don't love my mistresses any more and with them I gradually become impotent." Indeed, extreme sexual activity alternating with cold impotence seem to have been the pivots of his erotic temperament.

He could be bewitched by the sexual skills of the Japanese whores he met in a Blagoveshchensk brothel, but he barely recognized his early sweetheart, Sasha Selivanova, when she offered to come back into his life. He got himself engaged to a young Jewish woman, Dunia Efros (the model for Anya in *Ivanov*), and broke off the relationship, possibly because of her religion. (Chekhov admired Jews—he later became a Dreyfusard—but felt them to be a race apart, with what Rayfield calls "irredeemably unacceptable attitudes.") And after a long affair with the exquisite but ill-fated Lidia (Lika) Mizinova, he handed her over to his friend Ignati Potapenko, who was already married. Potapenko first impregnated and then deserted Lika, leaving her virtually penniless. Her anguished appeals to Chekhov for help in her distress are among the most moving things in the book.

Chekhov responded either not at all or with frivolous banter—rather like Ibsen's Nora refusing to acknowledge that Dr. Rank is dying of syphilis. Lika, in her turn, was alternately forgiving and reproachful: "Your whole life is for others," she wrote, "and you don't seem to want a personal life of your own," grumpily adding, "Your promises to come are all rubbish. You will never move." Often he promised to meet her and didn't show, pleading muddy roads or missed trains. It was she, not Avilova, who was the true model for Nina in *The Seagull*—a woman seduced and abandoned by an artist. (In a bizarre foreshadowing of reality, Lika, like Nina, was later to lose her child as well.) Responding to this tragedy, Chekhov finally agreed to meet with Lika in a hotel room where, behaving like Dr. Dorn recommending valerian drops, he prescribed a sedative. A few hours after she left the room, he made love to another woman who had arrived seeking help with a manuscript.

Apart from the actress Olga Knipper, who was later to become his wife, the other major woman in his life was his sister Masha. Toward her, Chekhov acted with varying degrees of selfishness and generosity. Rayfield leaves little doubt that Chekhov continually discouraged Masha from marrying in order to preserve her role as his amanuensis. No wonder she shares her name with two of the most unhappy women in Chekhov's plays.

As for Olga Knipper, Rayfield implies that in her Chekhov had finally met his match. The biographer hints that she had earlier been the mistress of Vladimir Nemirovich-Danchenko, the cofounder of the Moscow Arts Theater, and that this affair might have continued after her marriage. He also insinuates that her miscarriage might actually have been an

ectopic pregnancy, conceived when she and Chekhov were 800 miles apart.

Like Chekhov with his former mistresses, Knipper was not very available when Chekhov needed her. She was often away working, sometimes for as long as four months. (Perhaps as a result of these long separations, he allowed that Knipper could take a lover if she desired.) Exiled to Yalta for his health, coughing blood continuously, suffering from diarrhea, and trying to finish work on his last play, *The Cherry Orchard*, Chekhov struggled for breath in a state of depression and isolation. "My wife is either sick or traveling," he grumbled to a former mistress, "so we never make a proper go of it."

Knipper knew that her absence from Chekhov was causing talk. Justifying herself to Chekhov's sister Evgenia, she wrote: "You must think very badly of me when you look at your life. . . . It's awfully hard for me to abandon my vocation. . . . I know you have different views and understand all too well if in your heart you condemn me." Still, Knipper continued to pursue her career at the Moscow Arts Theater, provoking rivals into resigning from the company and carping at the performances of other actresses. She was not beloved of Chekhov's family either, and tried to discourage his closeness to Masha. (Masha confessed that "my relations with my sister-in-law are still pretty bad.") And yet, when Chekhov was dying in Germany, Knipper proved a tireless nurse and correspondent, sending regular bulletins to the family and to the Moscow Arts Theater. Nearing the end, Chekhov began devising stories and plays that sound very much like Beckett. In one of them, diners in a hotel wait for dinner, not knowing that the cook has vanished. In another, passengers are stuck on an ice-bound ship. These were harbingers of death, and it was Knipper who eased him into it, administering morphine, cleaning up his messes, applying ice to his convulsive heart. But there must have been some residue of lingering resentment—Chekhov left the bulk of his estate to his sister Masha. Knipper got the equivalent of his second-best bed, a cottage in Gurzuf, and 5,000 rubles.

All of this makes for juicy reading, and perhaps those liquids are necessary to lubricate an essentially dryly written biography. Rayfield's "just the facts" commitment to the minutest details of Chekhov's life serves to fill in a lot of gaps. He has discovered some priceless letters by Chekhov's older brother Alexander, which place this alcoholic clown in the role of the most Falstaffian member of the family. He is also interesting regarding Chekhov's relationships with Tchaikovsky and with Tolstoy (whose daughter

Tatiana loved Chekhov from afar). But it is odd how little of the creative artist actually breaks through the crust of everyday life. Like Martin Meyer's biography of Strindberg and John Fuegi's recent book on Brecht, Rayfield's *Anton Chekhov* uncovers a lot of clay around the feet of a major literary idol. And like those books, it also exposes the huge chasm that lies between diligent scholarship and imaginative criticism.

Rayfield cites each of Chekhov's stories in short synopses that capture nothing of their style or flavor. And his account of the plays is essentially limited to establishing their origins in Chekhov's

past relationships. For a book that is advertised as a complete account of this writer's career, there are surprising lacunae regarding Chekhov's attitudes toward the Moscow Arts Theater, particularly toward Stanislavsky, whom Chekhov believed to be ruining his plays. For that, and for a warmer sense of the man behind the work, one must turn to Ernest J. Simmons's engaging biography, which, though relatively silent about Chekhov's active sex life and his mistreatment of friends, gives us a much more complete sense of the writer's sympathetic humanity and his incomparable contributions to literature. •

## The Color Purple

By JAMES WOOD

### Paradise by Toni Morrison

(Knopf, 318 pp., \$25)

Since fiction is itself a kind of magic, the novel should not be magical. The creation of characters out of nothing, their placement in an invented world, is chimerical; and for this reason one rarely wants the novelist further to ripen these chimeras in a false heat. The argument against magical realism in fiction should not be an argument about what is real and unreal, but an argument about belief. Fiction demands belief from us, and this request is demanding in part because we can choose not to believe. But magic—impossible happenings, ghoulish returns—dismantles belief, forcing on us apparitions which, because they are beyond belief, we cannot choose not to believe. Belief is a mere appendix to magic, its unused organ. This is a moral problem. One can hardly claim that magical realism corrupts our sense of reality, for at any moment we can close the novel and go and kick a stone. No, magic is most likely to corrupt our ability to judge *unreality*; it is likely to seduce our skepticism until it expires from unrequital; and hence magic corrupts our ability to judge fiction, which is a measured unreality. Fiction is threatened by magic (and vice versa). This is why most fiction is not magical, and why the great writers of magical tales—E.T.A. Hoffmann and Kafka—are so detailedly realistic.

The argument against magical realism is also an argument against Toni Morri-

son's fiction, because she is America's leading representative in these particular vaults. Morrison's talent has been to combine magic, myth, and history, and to make of this a dignified superstition. Her fiction, at best, is an examination of this superstition, and at worst, its ready choir. In the best parts of *Song of Solomon* and *Beloved*, Morrison uses her fiction to narrate an African-American history which, because it has so often not been written or officially recorded, has become a necessary superstition—a myth, made of oral tellings and retellings. Her oral prose, with its flushed cadences and its vernacular stammer, attempts to become another of these retellings, a myth that is written down but which reads as if it were spoken. In her most acute moments, Morrison works against this collusion, by telling stories about people who are suspicious of mythical history. In *Song of Solomon*, Milkman travels to the South to explore the origins of his imposed last name; and the strongest character in Morrison's new novel is a woman who defies her town's self-legend, and destroys the town's family tree that she has been copying.

But alas, *Paradise* is a choir for superstition, and rarely an examination of it. It is a novel babyishly cradled in magic. It is deeply sentimental, evasive, and cloudy. It slights truth. It forces magic and pure rhapsodies on its characters like a demented anesthetist bullying patients with laughing gas. For all its

soak of anguish, it is a novel that actually wishes everyone to have good feelings.

*Paradise* tells the story of the clash between a stern, religious, all-black town in Oklahoma, founded in 1950 and called Ruby, and a convent of women about 17 miles away from this town. One day, in 1976, a group of men from Ruby invade the convent and attempt to kill the handful of women inside. These women, who are apparently cultish and strange, have become scapegoats for the town's own failures. The novel explains how this false blame gestated. This tale has been criticized for its political schematism—controlling men, incapable of tolerating female difference, murder the good feminists—and certainly, Morrison is hardly afraid of the explicit. We read of "men finding it so hard to fight their instincts to control what they could and crunch what they could not"; a woman in the town helpfully summarizes the nature of the convent's female threat: "Not women locked safely away from men; but worse, women who chose themselves for company, which is to say not a convent but a coven." The women are witches to these men. The women, for their part, enjoy the way that their convent "felt permeated by a blessed malelessness, like a protected domain. . . ." One of the murderers sweetly confesses, at the end of the book, that he was raging against "the needy, the defenseless, the different."

Yet the novel fails not because Morrison schematically loves the women in the convent and hates the men of Ruby. It fails because Morrison loves both sides, men and women, all of her characters, too indulgently. She stifles them with warmth. Morrison has an odd addiction to sweeteners. Though she occasionally depicts a squabble or two in the convent (just to show that all is not always well in paradise), the general atmosphere is ridiculously comforting. Consolata, or Connie, is a grandmotherly figure who sits in a room in the basement of the convent and looks after her damaged flock. "Who hurt you, little one?" she asks Pallas, a 16-year-old newcomer, who has fled from a faithless man in California. For Pallas, Connie conjures "images of a grandmother rocking peacefully, of arms, a lap, a singing voice. . . ." The women hold dreaming sessions, and dance in the rain; there is nothing as wonderful as the "rapture of holy women dancing in hot sweet rain," Morrison reminds us.

But Morrison does not ration her ardor to the convent. In Ruby also, "the light falling from the April sky was a gift." One of Ruby's inhabitants, Soane Morgan, recalls how children were baptized in the early days of the town, "when

baptisms were held in sweet water. Beautiful baptisms. Baptisms to break the heart, full of major chords and weeping and the thrill of being safe at last." Outside Ruby, the light also falls like a gift, and there are more warm feelings and rhapsodies. Mavis, one of the women who end up at the convent, is driving to California. On the road she picks up a hitchhiker called Bennie, who sings all the way: "Songs of true love, false love, redemption; songs of unreasonable joy.... Mile after mile rolled by urged and eased by the gorgeous ache in Bennie's voice." Later in the book, Mavis is reunited with her daughter Sally. The two look at each other across the table in a diner: "Their eyes met. Sally felt the nicest thing then. Something long and deep and slow and bright."

To select these sentimentalities is not to deny characters their sunspots of rhapsody, or even their confusions of rhapsody. But in all these cases Morrison's prose is lushly complicit with the rapture that she is describing; and in most of these instances the lyricism starts and finishes too abruptly to be anything more than a careless shower. It is Morrison's own prose that is "full of major chords and weeping." These are not "songs of unreasonable joy" so much as songs of unreasonable prose.

The difficulty with Morrison's "poetry" is that it ignores the preparations, the flat stealth, the argument, that narrative demands. Mavis's encounter with Bennie, for instance, lasts only a few lines. We have never seen Bennie before, and we never see her again. The lyricism squandered on Bennie's singing ("the gorgeous ache in Bennie's voice") is not only sentimentally abrupt, it is evasive. In place of a real Bennie, who might exist, even for only a paragraph, in descriptive links, Morrison rushes a generalized "effect," a mood, on the scene instead. One imagines Morrison thinking, "How can I make this little scene memorable, mournful, beautiful?" And Bennie disappears as a real character. Morrison's lyricism, in its evasive abruptness, is like a rich man stuffing money into our pockets while refusing to look at us and shouting all the while, "Here, take this, and feel good."

The world of *Paradise*, despite the show of its somberness, is a cozy world, because it lives on infusions of good feelings; and because uncertainty does not really inhabit it. On the contrary, *Paradise* lives in the magic kingdom of fairy tale, in which happenings have an unexplained extremism that seals them from rational inspection. We are in the world of vibrating resonances. Small children love this kind of storytelling.

Although terrible things may occur in fairy tales, the terrible is always wrapped in the continuing consolation that the terrible cannot be explained, and that it thus has no connection with our lived world. The childishness of magical realism has to do with its prepsychological certainty: for the child, there is little difference between "They all lived happily ever after" and "They all lived unhappily ever after." The consolation is that neither state will fail because neither can explain itself.

These are also the consolations of Morrison's novel. When something happens, it is always a dumbfounding extremity. Time, and the argument of time, are always obliterated by the slicing reply of myth. "Soaking in happiness, she folded the letter back in the envelope, put it in her shoe and carried it for the rest of her life." "Then, after a few seconds of total silence, he began to hum the sweetest, saddest sounds Rector ever heard." "At the door, her knuckles lifted for the knock, she heard sobbing. A flat-out helpless mothercry—a sound like no other in the world." "Wine-soothed, they slept deep as death that night." "The girl thought Sweetie was crying, and a black woman weeping on a country road broke her heart all over again."

The result is, again, an evasive opacity. Two instances will suffice. Halfway through the novel, Morrison tells us the story of an incident in the life of Billie Delia, one of the young women of Ruby. When Billie Delia was tiny, one of the town's elders used to bring her a racehorse to sit on. Too small for underwear, the little girl loved the feel of the horse under her skin. Then, when she was three, on a Sunday, the elder once again brought the horse. This time, the little girl was wearing panties. When she saw the horse coming, she ran out into the town's main street and "pulled down her Sunday panties before raising her arms to be lifted" onto the horse's back.

In a magical world, this incident becomes ominous. "Things seemed to crumple after that. She got an unintelligible whipping from her mother and a dose of shame it took her years to understand. That's when the teasing began.... Suddenly there was a dark light in the eyes of boys.... Suddenly a curious bracing in the women, a looking-away look in the men. And a permanent watchfulness in her mother." But this notion of fairy-tale upheaval—"suddenly"—is unconvincing. Even in a conservative town, it would not be a strange sin for a three-year-old girl to remove her underwear. Would men refuse to look at her because of this? Fifty pages later, Morrison

suggests that Billie Delia was treated oddly because she was lighter-skinned than anyone else in Ruby. But the explanation is overwrought. It merely defers explanation. For, like the incident of the panties, it is an explanation that cannot be explained, that is just another datum of unreason, and yet offers itself as the sole cause of Billie Delia's downfall. Besides, it comes too late to be novelistic. It is precisely the novelistic that Morrison neglects. Had she described this incident, had she suggested that it was the beginning of a slow change, had she linked it to other incidents—had she, in short, conducted a narrative—we might believe in this moment, and we might have a clearer sense of Billie Delia's quiddity. But Morrison insists on a mythic swirl, in which something is suddenly and mysteriously changed forever; as if life were a child's chemistry set.

Another instance of myth-making offers a larger problem, since some of the novel's structure of motivation rests on it. Connie, the irenic "mother" of the convent, has a passionate affair with Deacon Morgan, one of the town's most upright citizens (he is also married). Deacon abruptly ends the relationship after Connie bites his lip and draws blood. "Don't ever do that again," he warns. But there is no "again." In this charged moment, the passion dies: "His eyes, first startled, then revolted, had said the rest of what she should have known right away...." Morrison comments that Deacon could not possibly endure "a woman bent on eating him like a meal." So the woman is a man-eater, and the man is not strong enough for the woman. We get the point. Fifty pages later, at the end of the book, Deacon is one of the avenging men who storms the convent. After the crime, he confesses to the pastor that he needed to expunge his "shame," and that he had to "erase both the shame and the kind of woman he believed was its source. An uncontrollable, gnawing woman who had bitten his lip just to lap the blood it shed... a Salome from whom he had escaped just in time...."

In a sense, the entire novel turns on this coin of parable; the entire novel flows from *The Bite*. Deacon and his like think of the women as bloodsuckers, and they must erase the shame of their dependence on such women. But this entirely unnovelistic explanation is at once overexplicit (parable-like) and unconvincingly enigmatic (mythically extreme). It manages to be both at once because it refuses the daylight of motive. We are not encouraged to wonder why Deacon might recoil so finally from such a minor abrasion. Morrison does not

require our belief; she wants to ravage our skepticism. She wants to boil motive in the broth of myth and make it disappear, to cancel "because" from the language. There is no need of "because": Connie bit Deacon, and then Deacon took his revenge, that is all we need to know.

Again, despite the apparent severity of the story, magic powders it with consolations. How much easier it is to swallow this tale than to examine realities. How entirely do a real, accountable Deacon and Connie disappear into the tale of *The Bite*. And how eagerly, once again, Morrison's language colludes with this opacity, frothing itself into meringues of magic. For if one might just about accept that Deacon is madly hasty, one certainly does not accept the support he gets from Morrison's own relishing language: "an uncontrollable, gnawing woman who had bitten his lip just to lap the blood it shed."

Too often, Morrison is so besotted with making poetry, with the lyrical dyeing of every moment, that she cannot grant characters their own words. She is in love with *her* words, and it is too bad if these words coincide somewhat awkwardly with the words of her characters. It might seem at first that the reason that Morrison's characters do not really exist is that she loves them too much, and in so doing hotly hugs the life from them. But in fact Morrison loves her own language more than she loves her characters. She seems to view her people as mere spokes of style, who exist to keep her lyricism in motion. This explains why Morrison so often squanders her considerable talent for interior monologue. At her best, in certain portions of *Beloved*, Morrison demonstrated a real capacity to enter a character's mind, and to let her own style be bent, in the course of interior monologue, by the needs and the palpabilities of actual characters. Of course, interior monologue is essentially inner speech, and from the beginning Morrison has been a fine recorder of speech. Her dialogue is often acute and alive as her commentary is not.

In this novel, however, she uses interior monologue not as a window, but as a funnel; she blows her own exhortations into her characters' privacies. In this respect, for all the former similarities, Morrison could not be less like Faulkner. As *I Lay Dying* is a great book because Faulkner, like Joyce and Woolf (and presaged by Chekhov), uses the innovation of stream-of-consciousness to allow his characters to forget themselves, to break free of the author's incessant memoranda, to be in their own verbal

confusions. That this confusion, this freedom, is granted by the novelist, is a trivial paradox: How else could it exist? It is because this paradox is unavoidable that the novelist approaches stream-of-consciousness so gingerly but also so fatalistically. Thus Faulkner's five-year-old Vardaman speaks to the reader as a five-year-old could not. He is enriched by Faulkner, yet he must continue to seem, skeletally as it were, a little boy. The literary delicacy lies in an enrichment which can at any moment become a reduction.

Morrison is mostly reduction in this book. Again, she fails when she makes her language collude too eagerly with her characters' thoughts. Deacon, for instance, has a reverie about his childhood in the town of Haven, which was a dry-run, before the war, for Ruby. Deacon is given to self-exhortation and self-legendizing. Hearing school-children reciting a poem that he had learned as a child, he drifts into memory. Morrison, hovering somewhere between third-person narrative and interior monologue, indulges him: "But none of it was as good as what they had learned at home, sitting on the floor in a firelit room, listening to war stories; to stories of great migrations—those who made it and those who did not; to the failures and triumphs of intelligent men—their fear, their bravery, their confusion; to tales of love deep and permanent. All there in the one book they owned then. Black leather covers with gold lettering; the pages thinner than young leaves, than petals. The spine frayed into webbing at the top, the corners fingered down to skin. The strong words, strange at first, becoming familiar, gaining weight and hypnotic beauty the more they heard them, made them their own."

Remember that Deacon is not supposed to be a reliable assessor of his own traditions. It is Deacon who leads the men to the convent. But why, if Deacon is exhorting himself, should Morrison so lavishly collude with him? For this passage is just esteem-building, preaching. Morrison is so keen to exercise her own lyricism—"the pages thinner than young leaves, than petals"—that she bullies her way past Deacon. Like so much in this book, in doing so she compresses the individuality, the freedom, of her characters. Can a real man exist inside this halo of pride? Does this utterly clichéd iconostasis—the fireside hush, the big book with its "strong words" and thin pages, the devoted auditors—enable us to see anything at all, with any specificity? It will not do to reply that this is intended to be the fantasy of a deluded man, in love with his own rigidities. If this is a delusion, then Morrison has

failed to give the delusion any uniqueness or body. And Morrison is deluded herself: she is in love with the scene, her language is a helpless flummox.

This kind of writing is everywhere in the novel, and it multiplies as the book reaches its bloody conclusion. Near the end, the convent women, who are all damaged in some way, use a form of story-therapy to purge themselves of their hauntings. They sit in the building's cellar and conduct "loud dreaming." They also draw shapes of themselves on the floor, and use these shapes as a form of art-therapy. They have séances, and are visited. As usual, Morrison's prose becomes solemnly reverent: "They spoke to each other about what had been dreamed and what had been drawn. Are you sure she was your sister? Maybe she was your mother. Why? Because a mother might, but no sister would do such a thing." Here the novel, in its senseless opacity, finds its perfect medium. Nowhere does Morrison explain what is meant by "such a thing." She does not have to. Why should the novel crumble its magical potencies into dusty explanation? In the half-light of the séance, where everything is beyond belief, the novel finally comes to rest. Here, at last, is a world in which the puncture of reality need never be felt. *Because a mother might,*

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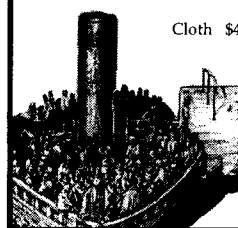
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but no sister would do such a thing. Here the novel achieves its greatest desire: an objectless sentence, pure throbbing verb. Finally, Morrison has stopped speaking to her readers, and is speaking only to her characters.

Toni Morrison puts one in mind of Auden's poem "The Novelist." The poet, writes Auden, can rush forward "like a hussar," but the novelist must eschew such acceleration, must learn to be "plain and awkward." In this novel Morrison is forever rushing in sentimental garments, with no thought of the plain

and awkward clothes that carry a narrative, that make its solemnities moving and not simply ridiculous. Above all, she oppresses her characters with her own essence, so that she seems to be secretly proud of them all. It is true that her parable is schematic. But in the end there are not good people and bad people in her book; there are only good people. Her lyricism cannot help telling the story of the collision of two loved and honored worlds, the town and the convent. *Paradise* is no battle at all. It is a battle-hymn. •

## The Stages of Justice

BY SAMANTHA POWER

### Mass Atrocity, Collective Memory, and the Law by Mark Osiel

(Transaction, 317 pp., \$34.95)

#### I.

It was a textbook case of ethnic cleansing. On April 16, 1993, as dawn broke in Bosnia's rolling Lasva Valley, Sakib Ahmici was roused by the march of approaching shellfire and the screams of friends. Within minutes, according to the U.N. indictment, Zoran and Mirjan Kupreskic, his Croat neighbors, had burst into Ahmici's home, shot and killed his son and his three-month-old grandson, scattered gasoline throughout the living room, and set his loved ones ablaze. For the next four years, while Ahmici nursed his burns and grieved the loss of twelve family members, the culprits roamed freely along Croatia's Adriatic coast, where they were "war heroes."

In recent months, however, events have departed from the Balkan script, which has long coupled atrocity with impunity. In October, the Croatian government succumbed to American pressure and delivered the Kupreskic brothers, along with eight others, to the United Nations war crimes tribunal at the Hague. Then, a week before Christmas, Dutch commandos seized two more Croats on the "Most Wanted" list, injuring one of them (Vlatko Kupreskic, a cousin in the esteemed clan) in a shoot-out. And in January, American soldiers made their first arrest of a war-crimes suspect, capturing Goran Jelusic, a former detention-camp commandant who was known as the "Serbian Adolf." These arrests doubled the

total number of indictees in Hague custody, and breathed a gasp of life into the feeble court.

With its counterpart in Rwanda, the Hague tribunal represents the first international attempt since the Nuremberg and Tokyo trials to prosecute suspects for war crimes, crimes against humanity, and genocide. The United Nations courts had hoped to document atrocities, to incapacitate past and future killers, and to demarcate individual (as opposed to collective) responsibility. For a time it appeared that they might also hasten the establishment of a standing international criminal court.

Whatever faint hopes may have been stirred by the sudden flurry of arrests, the tribunals' prospects for living up to their promise remain dim. In the case of the former Yugoslavia, where some 150,000 civilians died, the tribunal's shallow pockets (made shallower by the United States' debt to the United Nations) can fund only three investigations. Though NATO possesses the most sophisticated arsenal and intelligence in the world, its troops in Bosnia have mostly refrained from rounding up indicted war-crimes suspects in their midst. Only 20 of 75 people who have been publicly indicted are in custody at the Hague; the majority of the others remain in the former Yugoslavia, obstructing and profiting from the current peace.

The Rwanda tribunal, the Hague's poorer cousin, was established in 1994 after Rwandan Hutu macheted an estimated 800,000 Tutsi and moderate Hutu

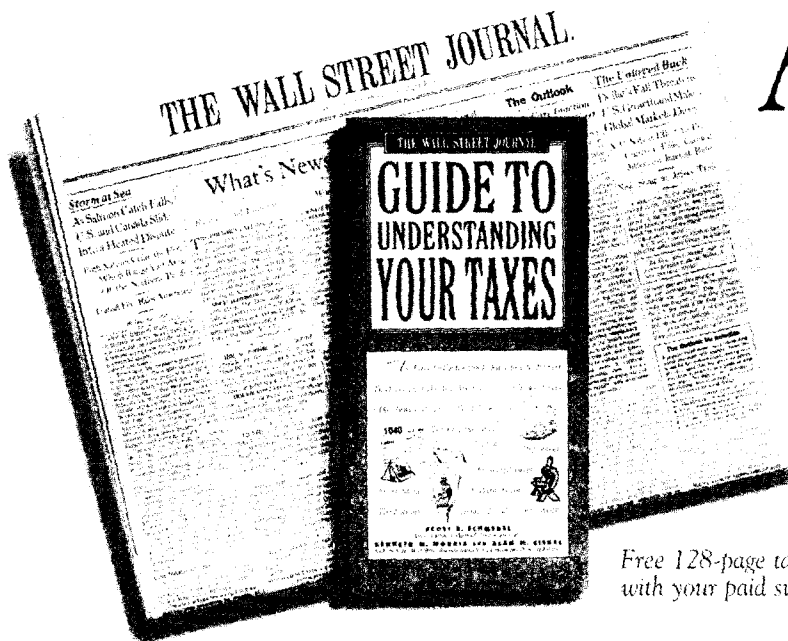
to death in a hundred-day frenzy. The U.N. court has jailed senior Hutu officials, including the former Rwandan prime minister and minister of defense. All told, however, only 23 suspects are in detention—one suspect fewer than on December 17, the day a small-town American magistrate inexplicably and indefensibly decided to free a wanted *génocidaire* from a Texas jail. The cash-strapped facilities could probably sustain few more. Located in neighboring Tanzania, the international tribunal boasts only two courtrooms and temperamental phone lines that preclude regular contact with investigators at the scene of the crimes. An audit in 1997 found that "not a single administrative area functioned effectively," and that mismanagement and corruption plagued the court's early efforts.

One might impute these failings to the absence of political will. From the time that these courts were created, they have indeed served as fig leaves for international apathy. Western leaders had vowed that they would "never again" stand idly by in the face of genocide. And when the televised slaughter commenced, they wanted to appear to be "doing something." Yet they were unprepared to do anything much, and so they responded to public calls for action by pledging to punish perpetrators after the fact. And now they have deprived the tribunals of the enforcement authority and funding necessary (but not necessarily sufficient) for success.

This political pusillanimity may be the major source of malaise for the Bosnia and Rwanda courts. If we look elsewhere in the world, however, we see that the notion of responding to mass atrocity with the law has come under fire. From the Czech Republic to Chile, post-authoritarian regimes are looking backward in order to move forward; yet nearly all of these would-be democracies have chosen not to prosecute their own fiends. In Latin America, most military satraps conditioned their "retirement" on immunity from prosecution, or passed cozy amnesty laws before stepping down; and shaky civilian authorities have proven understandably reluctant to tempt renewed military intervention by prosecuting past abuses. In South Africa, the black majority helped to secure the end of the apartheid regime by agreeing to exchange retribution for revelation, establishing a Truth and Reconciliation Commission that Bishop Desmond Tutu has described as "the only alternative to Nuremberg on the one hand and amnesia on the other."

We are left with something of a paradox: while national governments usually

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choose to forego retributive justice, outsiders (including the United States) are formally swearing by it. This causes some to question just whom the international tribunals for Rwanda and Bosnia are intended to serve. And, given the tribulations of the tribunals, it also causes many to wonder whether criminal trials should be attempted at all.

One of the strongest arguments for trials may reside in the shortcomings of truth commissions, the most fashionable contemporary alternative. Employed in El Salvador, Guatemala, Argentina, Chile, South Africa, and many other countries, such bodies can elicit a fuller picture of events than trials, and supply individual victims, witnesses, family members, and friends with a therapeutic outlet for their agony. Describing the hopes that his own country's commission stirred, the Chilean writer Ariel Dorfman wrote that

the truth of the terror unleashed upon us that we had always known in a private and fragmented fashion would finally receive public recognition, established forever as official history, recreating a community fractured by divisions and hatred that we wished to leave behind.

Still, skeptics (including Dorfman) argue that, without seeking justice or introducing accountability, post-atrocity societies will find it difficult to disinherit their cultures of impunity or to restore popular faith in the rule of law. The appearance of stability in the short term frequently masks the inevitability of "private justice" in the long term. Often it seems that transitional regimes do not prosecute perpetrators of mass atrocity only because they lack the political power to do so.

The hollowness of truth without justice—without *retributive* justice—was grimly exposed by South Africa's Truth Commission hearing on the death of Steve Biko. Having sued the state unsuccessfully to block the establishment of the Commission, Biko's widow could only groan last fall as a retired colonel calmly described the evening in 1977 when he and four other interrogators drove Biko's head "like a battering ram" into a prison wall. This is only one of several accounts circulated by the Security Branch; but the colonel's candor may still earn him an amnesty. Meanwhile, all that the widow takes away from the proceeding is the image of her husband dying of a brain hemorrhage, chained to a bedpost and frothing at the mouth.

So what are nations to do? Crimes against humanity are committed with increasing and methodical frequency. Until opportunists and tyrants stop

resorting to terror, or until outside powers begin suppressing it, the demand for instruments of restitution in the aftermaths will remain high. Given the imperfections of truth commissions, it would be unwise to give up on criminal prosecutions altogether. Instead the time is right to explore an unfortunate bounty of case studies to determine how trials may best be conducted (and refined) to serve truth, individual justice, and reconciliation in the wake of mass atrocity.

## II.

This is just what Mark Osiel offers us in his new book, an examination of a half-century's worth of domestic and international attempts to use law to tackle terror. Osiel is convinced that criminal trials can do a great deal to facilitate reconciliation and to teach liberal lessons. But to do so, he insists, judges and lawyers must tell compelling "stories" that capture the attention of restive citizens and generate vocal, society-wide "dissensus." In his well-meaning but disturbing words, the courts must stage "liberal show trials."

Osiel rightly stresses the importance of the example set by trials. Just deciding to prosecute may demonstrate a state's respect for legality. During World War II, as the Allies agonized over how they would treat the principal Nazi culprits, Joseph Stalin called for "the quickest possible justice for all German war criminals . . . the justice of a firing squad," and urged that 50,000 Nazis be shot. To the disappointment of the Soviet leader and many Americans, however, more temperate voices secured the creation of the Nuremberg International Military Tribunal. The proceedings were not perfect. Justice Harlan Stone of the Supreme Court was so dismayed by the use of legal "habiliments" to dress up "victors' justice" that he dubbed the affair a "high-grade lynching party." Still, given the nature and the scale of the atrocities committed, and the vengeful impulses of millions of victims, the decision to give the Nazis their day in court did constitute what the Supreme Court Justice and Nuremberg chief prosecutor Robert Jackson called "one of the most significant tributes that power has ever paid to reason."

When victors or victims resist the urge to retaliate against their former tormentors in this fashion, they announce, in effect, "This is how we, unlike they, behave. We conduct trials and discuss rationally, while they conduct torture sessions and kill arbitrarily." This differentiation becomes a source of pride and a stamp of self-restraint. Osiel quotes

moving and morally sound remarks by the son of one of the victims of the French Nazi Paul Touvier, who stated before a French jury: "My father was not judged by anyone. He was arrested, thrown five hours later against a wall, and assassinated. I am happy to find myself in front of a court that is democratic, engaged in an adversarial debate where everyone can speak, anything can be said, even by the accused."

To teach a specifically "liberal" legal lesson, of course, courts must also administer justice fairly and impartially, offer equal protection to all their subjects, and heed the dignity and the due process rights of defendants. Osiel reminds us that not all trials continue to showcase liberal values once the gavel has been lowered. Stalin's "trials" in the 1930s and 1940s offered the most notorious mockery of courtroom probity. Yet the postwar American tribunals in Japan were also marred by procedural defects. The judges tainted the proceedings by relaxing their evidentiary rules: they admitted hearsay, unsworn statements, and "facts of common knowledge." This laxity may have been a factor—albeit a small one—in Japan's subsequent refusal to face up to the war crimes of its past. When trials manage to bring former foes together in the same room and to maintain their procedural integrity, by contrast, they can plant the seed for a tolerant, liberal, post-atrocity order.

But Osiel is worried that the teaching of liberalism by judicial example may not do the trick. To prepare the ground for real reconciliation, Osiel argues, trials must provoke a society-wide debate that gets many citizens venting their grievances, alleviating their guilty consciences, and civilly disagreeing outside the courtroom. Left to their own devices, criminal prosecutions will rarely generate such a broad-based debate. Trials are often too complicated to sustain viewers' attention. Thanks to the skill with which authoritarians usually cover their tracks, prosecutors often have to indict on formalistic grounds, allowing the graphic "real" crimes to go unprobed and making the trials too technical or too tedious for the public to follow. When the public is drawn in, Osiel argues, it is often by charismatic defense lawyers (such as Jacques Vergès, Klaus Barbie's counsel) or by the sight of deposed despots holed up in the defendant's box.

Osiel points out that trials can also alienate citizens by portraying events too simplistically, as tales of good versus evil. Since people play a variety of roles in mass atrocities—tortured schoolteacher, docile neighbor, surviving spouse,

three-star torturer—memories will conflict and interpretations of events will vary. When a trial tells only one story, therefore, those individuals whose versions do not coincide with the black-and-white portrayal of events will turn away. And, of course, there is the problem of denial. Perpetrators, bystanders, and victims will be in no hurry—for very different reasons—to excavate buried crimes after the fact. “When atrocity makes headlines,” Lawrence Langer has observed, “the average man retreats from the private implications of this public menace.”

In Osiel’s view, then, fair trials will not get very far in furthering liberal reconciliation. For this reason, lawyers and judges must attend to the “poetics” of legal storytelling, and contrive courtroom performances that will mesmerize citizens. “To maximize their pedagogic impact,” he writes, “such trials should be unabashedly designed as monumental spectacles.” Only by staging a gripping, public drama can courts attract viewers and breed the dialogue necessary to forge social solidarity. Such a spectacle would force audience members to examine their own consciences or to air their dirty laundry. It would afford victims the “collective mourning” of their suffering that they deserve. And by involving the wider public, it would enable a “mastering of the past” and earn new converts for the trial’s liberal message. This is the logic behind Osiel’s call for “liberal show trials.”

How would he advise prosecutors, judges, and statesmen to go about staging these righteous spectacles? Osiel suggests the need to “compromise” on “the law’s conventional concerns with deterrence and retribution.” The courts should keep an eye on two spheres. In the realm of law, judges should see to it that individual justice is done (thereby sending a “liberal” message). In the realm of society and history, courts and prosecutors should be prepared to abandon procedural formalism and to adopt “dramaturgical license.” While staying within liberal bounds, they should give “a little thought to props and décor, mise-en-scène and pacing of action, character development and narrative framing, stage and audience.”

To grab the public, and to get at the deeper question of how such atrocities could have transpired, Osiel would have courts broaden the realm of the legally relevant. This might mean allowing defendants to expand the spatial and temporal context, reaching back in time to describe events leading up to the alleged crime. Trials would thus afford suspects the chance to define their con-

duct as just and honorable, and enable them to highlight the suffering of individuals within “aggressor” nations or groups. In Argentina’s trials after the “dirty war,” for example, indicted officers attempted to “situate” their deeds in “context,” insisting that the military was “at war” with leftist guerrillas who were trying to overthrow the state, and likening their killings more to a battlefield struggle than to criminal murder. Osiel believes the court’s adoption of a narrow temporal frame discredited the trials among officers and conservatives. He would have all voices heard. That way, the antagonists would have to engage each other’s historical interpretations, and many more segments of society would identify with the proceedings.

While encouraging the airing of rival “stories,” Osiel believes courts should not prefer one version over another. Regardless of the legal verdict of the case, judges should do all they can to ensure that no single “official story” emerges. Any forced consensus would likely unravel and, in any case, stifle discussion. If a trial permits “multiple narratives” to coexist, by contrast, the public will tune in. Amid a healthy “dissensus,” people will learn to agree to disagree. By tinkering with the statute of limitations, the scope of fact-finding, or the rules of evidence, judges can help trials capture what Osiel calls the “tragic reality” of mass-atrocity situations. “If courts could find a way to tell the tale as a genuine tragedy, alternately eliciting a measure of sympathy and antipathy for each side,” he writes, “dramatic tension would be enhanced, evoking more attention from the public. Such sustained attention would help stimulate the public discussion and collective soul-searching that is the primary contribution of criminal prosecution to social solidarity at such times, according to the discursive theory offered here.”

### III.

Osiel’s book is valuable for reminding legal practitioners and policymakers of the impact that a trial can have in shaping memory and fostering debate. He is right to make us aware of the power of trials. Over the years, prosecutors have indeed expanded the realm of the legally relevant and told captivating stories in order to serve constructive ends. Thus Prime Minister David Ben Gurion and Attorney General Gideon Hausner deliberately set out to use the Eichmann trial in 1961 to “establish the correct historical perspective.” The trial’s importance lay in mending the rift between native-born Israelis and

recent European immigrants who were still being criticized for their assimilationism and their alleged passivity in the face of Nazi persecution. The prosecution’s chosen message—and the bridge that would reconcile these groups—was the theme of Nazi culpability and Jewish resistance. After the trial presented graphic accounts of the horrors of the Holocaust, the district court opinion mentioned resistance several times in the opening paragraph alone. In what Susan Sontag curiously described as “the most interesting and moving work of art in the past ten years,” Ben Gurion also sent a message to the rest of the world that the Holocaust was about “crimes against the Jewish people,” an emphasis that was lacking in the Nuremberg trials. By captivating viewers, the trial indeed succeeded in earning recognition for Jewish suffering and shattering two decades of silence in which the atrocities of World War II had received only fleeting, uneasy glances.

More than 20 years later and a continent away, Osiel tells us, President Raul Alfonsín of Argentina used the courtroom as a stage for a different drama. He sought not to highlight Argentine heroism, but to draw attention to the Argentine public’s complicity in the military’s “dirty war” of the 1970s and 1980s. Initially, his strategy paid off. Instead of blaming international capitalism, foreign states, or a corrupt national elite, Alfonsín argued that it was his country’s own “political culture” that made the repressive regime possible. But the Argentine president was careful to avoid alienating the Argentine people entirely. The state indicted the juntas under domestic criminal statutes instead of international law for crimes against humanity, so as to avoid arousing Argentine nationalism. Millions of Argentines watched these trials. After this promising and cathartic round of prosecutions of senior commanders, however, the drama turned ugly. When Alfonsín decided to indict mid-level officers, they staged a series of military revolts, claiming that they had only been following orders. The Argentine leader soon abandoned his prosecutions and exonerated most officers. With an eye to law and society, therefore, Alfonsín initially caused Argentine citizens to examine their own consciences—and then overestimated the amount of law that the most powerful people in society would accept.

Decisions about when and when not to prosecute can dictate the legacy of the crimes themselves. By capturing and trying only 22 German “big fish” at the

main Nuremberg military tribunal, the Allies may have helped slow the process by which "ordinary Germans" came to examine their own culpability. In France, the fact that so few Vichy culprits were tried helped people to cling to the Gaullist myth that, except for an anomalous handful of collaborators, the French nation had responded gallantly to the Nazi invasion.

Osiel also demonstrates that, whatever the defects of trials, their absence may greatly hamper self-reckoning. General Douglas MacArthur was opposed to a trial of Hirohito, Japan's beloved emperor, after the war. MacArthur was convinced that the Japanese public would respond to such a trial by revolting, thereby tying down thousands of Allied troops. So the American general and Allied prosecutors in Tokyo secretly made the judicial process conform with their perception of Japanese public sympathies. MacArthur correctly appreciated the extent of Japanese adulation for Hirohito, but he did not anticipate the consequences. As it turned out, Osiel claims, the popular identification with the emperor meant that the decision not to try Hirohito allowed the entire nation to consider itself exculpated. Similarly, one may speculate that memory about the Holocaust is weakest in countries like Austria and Poland because no post-atrocity trials were held.

And yet Osiel's book is divided against itself, and confuses the moral and legal issues. He is insistent that no one version of events should be carved in official granite. Since large-scale massacres bring out the "residual positivist in virtually everyone," however, he also acknowledges that courts should not be "comfortable about letting a hundred interpretive flowers bloom." Similarly, since "easy cases can make for poor drama," he urges judges to allow "contextualization," and to spice up open-and-shut cases, treating them "as if they were hard ones." Yet he is also aware that liberalism limits storytelling in the courtroom by requiring courts to "delimit judicial attention to that restricted place and period within which the defendant willfully acted."

The abstract language of Osiel's pages keeps him very far removed from the reality of mass atrocity. Thus he suggests that multiple narratives in a courtroom can help trials "achieve a great degree of moral complexity without succumbing to the cosmic resolution and resulting tranquillity of classical tragedy." He understands why people in post-authoritarian societies—"in all their unmediated pre-theoretical innocence"—crave hard facts. By reducing genocide to genre,

however, Osiel too often allows his argument to degenerate into overmediated theoretical sophistication. Trials conducted in accordance with his "discursive theory" would not only obscure the facts, they would also have us approach moral and historical truth from the standpoint of results. Osiel's consequentialism means to be fine and liberal, of course. But what guarantee is there that his dramaturgical approach—his "props and décor, mise-en-scène and pacing of action, character development and narrative framing"—will not distort or even erase truth, and imperil justice? He is right to make reconciliation one of the objectives of such trials, but he does not seem to understand that the most durable reconciliation is the one that cares for the truth.

The idea of "liberal show trials" is not paradoxical, it is contradictory. Osiel appears to adhere to the cult of "narrativity" so popular on law school campuses today. His emphasis on storytelling and audience-grabbing amounts to nothing less than a loss of faith in the possibility of truth. In his pursuit of theater, Osiel is afraid that "boredom tends to settle selectively upon the shoulders of those whose story is most truthful, most faithful to the past, and most vital to a legal cultivation of liberal memory." He insists that the trial's "theater of ideas" should not present a conflict of right and wrong, but (in the words of that great legal mind George Bernard Shaw) should allow the "villain" to come across "as conscientious as the hero, if not more so." The judge should give everyone—no matter how despicable—a platform, and should accord every story equal sympathy and respect. So are we to look forward to Dr. Karadzic on the witness stand (I know, he has to be captured first), offering a tear-jerker on the genocide of the Muslim Turks against the Serbian people in the fourteenth century? Or a Holocaust revisionist's account of the "facts" of 1939-45? In this way, surely, the participants would have "dramatically affirmed the law's principles through the theatrical spectacle of a trial, shrewdly staged to maximum effect."

Osiel is confident that the asinine and repugnant nature of these accounts would be evident to all who heard them. But surely he is optimistic in his assumption that the "right story" will prevail. Should collective memory really hinge upon the outcome of a confrontation between the rhetorical prowess of a dapper statesman, who can recruit top-notch counsel with millions of hoarded Swiss francs, and an inarticulate survivor of terror who is crippled by her

nightmares? Indicted war criminals may be humbled by their prison-stripes or disoriented by their lies, but they may still sound authoritative to spectators who no longer possess hearty muscles of skepticism. We live in the age of Oliver Stone.

A "dramaturgical" agenda is particularly risky in post-totalitarian and post-authoritarian societies, where the media and the state have long mocked the concept of truth, and where perpetrators of atrocity have often taunted their prisoners with the admonition that their stories would never be heard, or, if heard, never believed. For this reason, rehabilitating truth must be an essential function of post-atrocity regimes. It is imperative that criminal prosecutions aspire to prove, document, and condemn the deeds. As Nuremberg prosecutor Telford Taylor stressed, "It is far more important that these incredible events be established by clear and public proof, so that no one can ever doubt that they were fact and not fable; and that this Court . . . as the voice of humanity, stamp these acts, and the ideas which engendered them, as barbarous and criminal." Osiel quotes this wisdom, then promptly forgets it.

Widening the frame and expanding the realm of the legally relevant sometimes may be necessary to get at facts that are crucial to the verdict. Yet it can also open the floodgates for out-of-control contextualizations that impede judgment about good and evil and innocence and guilt. The most insidious brand of Holocaust revisionism today is not outright denial, which is manifestly absurd, but just such relativizing. All truth is not subjective (or "perspectivist," in contemporary philosophical parlance). If we followed Osiel's advice, where would we stop widening the frame? In judging the Bosnian Serb massacre of 8,000 Muslim men in Srebrenica in July 1995, it could rightly be noted that Muslim forces launched commando raids that killed Serbs living nearby. But those Muslims would not have been crammed into the safe area if the Bosnian Serbs hadn't viciously cleansed tens of thousands of Muslims from eastern Bosnia in 1992. But, Serb defendants would hasten to add, since Serbs had opposed Bosnia's independence from Yugoslavia in the first place, they are not to blame for the cleansing. . . .

And so the greasepaint that Osiel wants to splatter over the courtroom would be irresponsible indeed. Of course, this is a consequentialist objection to his consequentialism. The real problem with his analysis is that it despairs of truth. Osiel is undoubtedly

right that "the whole truth and nothing but the truth" will be impossible to attain. But surely *some* answers, and some *sufficient* answers, may be found, and surely reconciliation may proceed on the basis of those empirically established answers. Osiel should not urge courts to hold certain questions open deliberately. Prosecutors must do all they can, in Justice Jackson's words, to "establish incredible events by credible evidence." It is not asking too much (or too little) of a trial to ascertain: Who killed whom? Where are the bodies buried? Did the bullet enter from behind or from the front? What is the Swiss bank account number? Those are not metaphysical matters.

Courts that concentrate on storytelling are also more likely than not to short-change their primary task, which is to provide justice. Osiel places his primary emphasis on stagecraft, but the evidence that he considers to be his best evidence really gives his game away. If ever a trial illustrated that judges must put justice first, it was the Eichmann trial. It is true that the prosecution's storytelling in the Eichmann trial did bring all of Israel to a standstill. It was, dramaturgically speaking, a hit. But, as Pnina Lahav points out in *Judgment in Jerusalem*, her splendid new biography of Israeli Supreme Court Justice Simon Agranat, most of the justices at the Eichmann trial were acutely conscious of the need to see individual justice done. Hausner, the prosecutor, may have believed that the courtroom would serve as a stage on which "the canvas soaked in blood and tears" would unfold; but for Justice Agranat the trial would also present the Israeli justice system's respect for fairness and legality. The prosecution set out to produce a compelling show. The judge set out to produce a liberal trial. This is not to say that Agranat was blind to the pedagogical power or the conciliatory potential of the trial; Lahav ably describes his internal battle with "the tension between social construction of reality and the struggle to achieve objective justice." But finally she credits him with striking the right balance and avoiding "reductive relativism of the sort that would justify anything."

Osiel hopes to prevent his "liberal show trials" from degenerating into plain old show trials by maintaining two distinct spheres within the trial—a legal sphere, for the verdict; and a social sphere, for the stories. But he offers no concrete suggestions as to how a trial might insulate such spheres from one another, so that stagecraft does not wreak havoc on the fates of the defend-

dants. It is the rare judge that brings the talents and the temperance of Agranat to the courtroom.

Osiel is too generous in his faith that other judges will be capable of striking such a balance. He concedes that, by encouraging contextualization and broadening the realm of the legally relevant, judges may often weaken the prosecutors' case. But he describes this slippage as a tradeoff, arguing that there is more to a trial than demonstrating the best "fit" with existing legal rules. Since slam-dunk convictions will not enhance long-term persuasiveness, he writes, the "fit" must be weighed against other values, such as robust political deliberation and memory. He is less sensitive to the opposite danger—that slackening procedural constraints in the interest of the narrative may hurt the defendants. Instead of insulating the legal institution from politics, he wants to place the courts "in the service of the right kind of politics." Those are astonishing words.

Osiel would retort, no doubt, that it is too late for idealism about the courts, that stagecraft is employed all the time, that he is only trying to see it done well, or put to noble ends. Since the "courts have already been thrown into these bracing waters," he writes, "the principal

task for liberal sociology and jurisprudence is to teach them to swim." But this is not satisfactory. Learning to swim is different from drifting with the current. Though Osiel believes, with Lon Fuller, that law "as it is" should strive to be more like "it ought to be," his argument rests on the notion that law ought to be more like it is. And even if the worst excesses are prevented and the right story prevails, citizens who see state officials creating their own brand of history—however "liberal" the version—may well throw up their arms in disgust at yet another regime of manipulation.

There is something unreal about Osiel's view that trials that breed dissensus will increase social solidarity. His "civility in the expression of disagreements" might occasionally cool a heated property dispute or even a bitter courtroom divorce settlement—but we are talking about the aftermath of state-sponsored terror. Defendants who have killed tens or hundreds or thousands of people may appear in the courtroom with silence, lies, distortions, spite, affectless description, a complete lack of contrition. And their victims may refuse to forgive, to cooperate, or even to remain civil in the courtroom. If, inside or outside a courtroom, the women of Srebrenica ever happen upon Ratko

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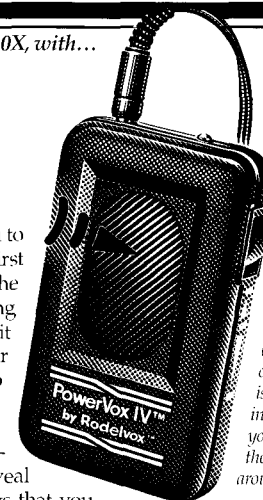
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Mladic, I suspect that they would have nothing to talk about. Such an encounter would be inhumane and impractical. It would have nothing to do with reconciliation. Osiel appears to overrate the power of conversation and to underrate the force of such wounds. At the Simpson trial, Johnnie Cochran and Marcia Clark exercised all the dramaturgical license they could muster, and told riveting "stories" about racism and spousal abuse—but bringing those issues to the surface created, not social solidarity, but social discord and distrust. Which was entirely appropriate. And Brentwood is not Bosnia.

Osiel chose not to focus on the Bosnia and Rwanda tribunals. This was a mistake. If he had looked closely at courts that can barely prosecute defendants (let alone stage "liberal show trials"), he might have resisted the grandiosities that undermine his argument. More significantly, at a time when many nations are turning away from trials in favor of truth commissions, Osiel could have deployed the Bosnia and Rwanda experiences to support his fine and passionate defense of criminal prosecutions.

The United Nations tribunals have worked self-consciously to construct a liberal model. They have banned capital punishment, excluded trials in absentia and double jeopardy, and given defendants an automatic right of appeal of conviction or sentence. The courts also did their best to represent the world (and not just the West) in their chambers, including representatives from five continents in robes (from socialist as well as capitalist countries, totalitarian as well as republican). And what is the "story" that has emerged from these efforts? Mostly the story of global indifference.

Yugoslavia and Rwanda are countries with some experience in trying—and failing—to put mass atrocity behind them without making killers accountable. In the wake of World War II, the communist regime in Yugoslavia brushed atrocities from the war under a rug of "brotherhood and unity." With the perpetrators never taken to task, collective responsibility was conferred conveniently and bitterly upon the Other; and resentments over the crimes festered and multiplied until they were brutally exploited by opportunistic thugs in the 1990s. In Rwanda, similarly, the Hutu regime never answered for the periodic campaigns of slaughter and expulsion that it inaugurated in 1959. This yielded two deadly results: over the next three decades, the exiled Tutsi acquired arms and training, and they

launched a war in 1990 to enable their return. And the Hutu government, so long immune to prosecution for its bloody sins, confidently began plotting the extermination of the Tutsi minority in 1994. In the Balkans and in the Great Lakes region of Africa, in sum, peace without justice was a recipe only for less justice and less peace.

In Bosnia today, where one of every two persons has been displaced, and where faith in the international community and the rule of law has plummeted, many disillusioned victims are simply lying in wait for the day that NATO forces depart. In Rwanda, the ruling Tutsi regime is holding some 130,000 Hutu genocide suspects in infested, crowded jails, and private acts of violence against Hutu are common. Rwanda invaded Zaire in 1996 to end the genocidal menace in an extrajudicial manner.

Having raised expectations among aggrieved populations that justice is on

the way, the courts may very well increase the risk of future atrocity. As deputy prosecutor Graham Blewitt has put it: "To raise such hopes but fail to fully implement the system of justice thus created is far worse, in my opinion, than having done nothing in the first place." We know that courts can shape collective memory; and without an invigoration of the United Nations tribunals, the late twentieth century will be remembered as much for impunity as for atrocity. In the event that the United States and its allies should suddenly throw their weight behind the beleaguered courts, it is worth remembering also that there is a difference between theaters and courts, between therapy and justice, between a story and a truth.

SAMANTHA POWER covered the war in Bosnia from 1993 to 1996 and is writing a book about American responses to genocide.

## After Paganism

BY JEAN BETHKE ELSHTAIN

### The Disenchantment of the World: A Political History of Religion by Marcel Gauchet translated by Oscar Burge

(Princeton University Press, 228 pp., \$24.95)

Marcel Gauchet's project has about it a musty aroma—not unpleasant, but unexpected in the climate of contemporary scholarship. His work puts one in mind of what used to be called historiosophy, those Hegelian or quasi-Hegelian enterprises that aimed to capture the grand sweep of epochs, the logic of history, leading to a glorious synthetic moment, a triumph for Reason or Spirit. But Gauchet does this with a difference: he provides no grand moment of culmination. Along the way he reminds us that (in the words of Bernard of Clairvaux) we stand on the shoulders of giants. In our rush to be post-everything, we may well and truly have forgotten (and it is not an innocent forgetting) the complex movements, structures, events, beliefs, and lives that made possible our own freedom, with its manifold joys and discontents.

Rooted in the grand and neglected Durkheimian tradition, Gauchet reverses the narrative of modernity. He

refuses to read it as the story of our move from the early and the irrational to the later and the sophisticated. The way Gauchet tells the tale, the unrecoverable past was the Age of Religion, a time when sacred power permeated all things. But in Gauchet's analysis, and this is his startling turn, this early time was *not* an irrational time. It was, rather, an era with its own characteristic modes of thought, marked by the absence of certain fundamental distinctions and differentiations.

Judaism and then Christianity laid waste this all-encompassing, all-penetrating sacralism by confining "the holy to God alone"—and, in so doing, these ancient faiths inaugurated complex modernities. Judaism and Christianity mark the beginning of the end of Gauchet's Age of Religion. In radically transforming religion from an all-encompassing immanence to a potent transcendence, these religions make possible distinctions that were unavailable when all phenomena were primordially indistinguishable.

Thus religion, or the great monotheisms, did not exercise a retarding influence on the unfolding of modernity and enlightenment, as the great "progressive" thinkers—Millians, Marxists, Freudians—claimed. Quite the contrary. In Gauchet's stimulating account, it was religion that made modernity possible. When humans were embedded in a sacred order, inhabiting the same enchanted natural ground as leafy ferns and bushy-tailed squirrels, no complex recognition of a wholly transcendent Other was possible. And that recognition, which was the achievement of monotheism, is precisely what launched us in sturdy boats onto the roiling sea of history, bearing roughly toward a port called "the modern age." We acquired knowledge of good and evil. We were lost to paradise forever.

Gauchet's argument is that many of today's seekers (whether they call themselves religious or not) who aim to repaganize the world are searching for forms of reattunement and at-oneness characteristic of the earlier world of "non-distinction"—characteristic, that is, of the Age of Religion. Such an argument against wholeness, and such a method of theorizing, will hardly ring the bells at today's academic carnival. Gauchet punctures illusions about a past that was mythically harmonious and at-one-with-itself, when human beings were part of, rather than apart from, nature. It was not a peaceful time, it was a sacral time—and the two are not synonymous. Gauchet says powerful and positive things about the great Western religions, though he is himself an unbeliever. This, too, is an affront to most tenured wisdom.

which previously shaped the world from the outside.” He describes this enormous transformation, following Weber, as “the disenchantment of the world”—but for Gauchet, disenchantment was not the end of religion, it was the work of religion. Christianity was not disenchanted; it was the disenchanter, or what the disenchanters had first to embrace. “Christianity proves to have been a religion for departing from religion,” because it “successfully reversed heteronomy on every level,” as humans differentiated and disentangled themselves from what had been a single, holistic, and spiritualized world through and through.

I will confess that Gauchet nearly lost me here and at several other points in this dense and original book. But the story makes sense if one sticks to Gauchet's definition of religion and the religious. For Gauchet, religion simply is the originary state that thoroughly "informed how humans inhabited and organized the world." Of course, we have gone beyond "the age of religion," but Gauchet decries the "obtuse naïveté" of most of those who present this view in crude forms tied to an "idiotic" teleology that has done tremendous damage by transforming our political projects after religion (that is, after we fell into history) into messianisms and utopias, seeking in politics a wholeness that religion, Christianity specifically, punctured as a realizable human hope before the end-time.

We yearn to break free from this separation, from the burden of discrete being. Separated as we now are from "our origins" by a "chasm," we make absurd conjectures about the past as we pine for a harmonious future. Think here of radical back-to-nature movements, or certain forms of feminist cosmology that see patriarchy as the wicked rupturing of a goddess-limned world of preternatural oneness with babbling brooks and all things that creep and crawl, where lions lie down with lambs and the like. In reserving the view of a Peaceable Kingdom to the Eternal City, and emphatically not the earthly one, Christians marked our departure from the Garden. For this reason, modern paganism is spiritual recidivism. Of course, many Christians and non-Christians have yearned for a return to the primordial whole. But they forget, as Luther put it, that if the lion lies down with the lamb, then the lamb will have to be frequently replaced.

originary sense long ago disappeared, and its legacy, even in residual forms, is just about eclipsed among us. At one point we had to choose between Religion and State, and we opted for State with the help of monotheistic religion. I am not denuding Gauchet's thesis of its historical referents. He states his thesis about history in a maddeningly ahistorical manner. He is a sort of structuralist, for whom there is always something beyond or behind the "endless variety and extremely fluid nature of societies and cultures," which points to "underlying organizing schemes." In this way, "we can reconstruct a coherent system of societies prior to the State where religion does indeed play a central role," by which Gauchet means that the "most systematical structural embodiment of religion" obtained.

But look past the structuralism. Gauchet is onto something, so let us continue. In the primordial Age of Religion, there was no place for politics, as politics is made necessary by, and embodies, our division. When all was

If you question the accuracy of the Bible's story of Jesus and you enjoy historical detective work, you'll appreciate Jack Hannah's analysis of two newly unearthed ancient documents about Jesus. It argues convincingly for their sayings' being *ipsissimis verbis* of Jesus, which invalidate the Bible's claims and indicate that Jesus favored Epicurean philosophy. This reverses Jesus from being in line with the idealism of a Platonic-Stoic-Jewish world view to being a realist rejecting Providence, creationism, and much else that idealists associate with the Divine. Hannah provides complete text of the sources, chronologically ordered and explained.

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Later changing them

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Spatter of berries—is no  
Falsar than the true.

Solomon, who raised  
The temple and wrote the song,  
Wouldn't have dispraised

This bowed, graceful plant  
So like an aspergillum,  
Nor its variant

With root duly scarred,  
Whose bloom-hung stem is like the  
Bell-branch of a bard.

Liking best to live  
In the deep woods whose light is  
Most contemplative,

Both are often found  
Where mandrake, wintergreen, and  
Dry leaves strew the ground,

Their heads inclining  
Toward the dark earth, one blessing  
And one divining.

**RICHARD WILBUR**

whole and "original" and "customary," there could be no politics. By the time Jesus speaks of rendering to Caesar what is his and to God what is His, that ordinary world is past. Here and elsewhere Jesus helped to bury that world, for he clearly abandoned the world of mythic nonseparation for a world of complex distinctions: between what is God's and what is Caesar's, for example. Jewish monotheism began the process as it turned the "world upside down," broke up old integrated structures, and helped to pave the way for "terrestrial autonomy," in other words, for politics. The world of Religion retreated before the world of the State.

Gauchet knows that things are "more complicated" than this Big Picture suggests, but he worries that many scholars today, in proliferating their specializations and in denying the legitimacy of global theories, wind up saying more and more about less and less. So he will

do it his way. And his way tells him that "the most erudite internal history of Christianity can teach us hundreds of essential things about it, but it would still avoid the main issue, namely, what constitutes its decisive originality in relation to other religions." For Christianity, building on radical monotheism, signifies the "constitutive power of negation." With Augustine we become questions to ourselves as an ontological matter, for we have forsaken the primordial religion of the "absolute past" when such questions could not have been asked. We are forever in disjunction with the "instaurating age."

This radical shift generates, in turn, a quest for equality, that is, for forms of commonality that we might attain across, and even through, our visible particularities. Since Christianity, turning to the great myth of the Tower of Babel, accommodated itself to a plurality of social and cultural distinctions,

so that particularity and universalism could coexist in complex and uneasy configurations, the "conformity of collective belief" was eventually shattered, and we began to elaborate ethics to find our way. "Diffuse paganism" is no more. This, for Gauchet, inaugurates the "axial age"—the first stage of the movement away from religion. Individuality and speculative ways of thinking supersede mythical attunements. God is distanced, but we are drawn toward God as this Other ongoingly beckons and bids us come. God remains unknowable, but the desire to know begins to yield many of the world's secrets to the "autonomy of human reason," in and through which "we find the strongest possible affirmation of God's splendor. . . . Not only does the separation of the deity allow humans to begin understanding the beyond, it also provides the initial foundations for making the world intelligible. . . ." The divine is, in some partial sense,

apprehended by affirming "the powers of the human mind." It is rational beings detached from God's difference who learn to "understand" independently, thereby paving the way for intellectual emancipation.

All sorts of questions may now be raised by human beings about their lives and condition. Should I be faithful to the city or "conform to the divine law"? The autonomy that inheres in the nooks and crannies of the human mind comes to fitful realization. There are now troubles aplenty, especially the Pelagian temptation (my term, not Gauchet's), namely, a tendency to see the world solely through the lens of human willing and putative self-sufficiency. And "the religion of the absolute past," the prelapsarian innocence, is always lurking offstage, coyly gesturing and singing the Siren's song: "Come back to paradise."

Gauchet's final theme is as much theology as social theory (though he is not especially skilled at theology). It is that Christianity provided a structural link between the immanent—the below—and the transcendent—the beyond. For Christianity is duplex, at once "religious and profane." The Incarnation—always capitalized reverently by Gauchet—is the catalyst that unleashed the dynamic interplay of these contradictions, providing "living testimony, at the heart of the faith, of the irretrievable split between the two self-substantiating orders of reality." Human and divine are mingled yet inexorably separated, differentiated through "the inexhaustible sustaining interplay at the heart of the belief system, namely, the interplay of separation and otherness condensed into the figure of the Saviour." After the Incarnation, we find ourselves in a dialectical world that affords no culminating moment of supersession. It awaits the eschaton. But in the meantime the world is worthy of love and attention, for it was worthy of Christ's humanity and dignification.

These are interesting conclusions for an avowed atheist. And matters get stranger still, as Gauchet lumbers to a conclusion, his dense prose lightened only occasionally by a graceful passage or a hint of eloquence. The world's dignification, he continues, is made possible only insofar as the moment of harmony—when lions lie down with lambs and the lambs need not fear—is deferred. Immanence and transcendence are related, linked by multiple, tensile, vibrating strands, but never folded into one another. Christ Incarnate is the mediator between these structural moments, and there would be nothing to

mediate were they blended indiscriminately. The endlessly repeated moment of indefinite referral, the refusal to see the presence of the transcendent in the immanent in a complete way, creates a world of interpretation without end, and thus "the religion of the Incarnation is basically a religion of interpretation," a commingling of dogma and freedom. Only the union of One "both completely human and fully divine supplies the condition for this hermeneutic opening." The world bursts into energy as a place of prayer, work, contemplation, and action—and Gauchet means the Western world in particular, for he wants to understand Western dynamism, another unfashionable undertaking these days. The West embraced great political projects that were universalized—from nation-states to human rights.

From Incarnation to liberalism incarnate: this is the tacit movement of Gauchet's argument. For both states and rights were made possible by the earlier coming into being of kings and nations, with all their trappings and hints of transcendence. The "poetry of the Prince" made way for bureaucratic administration, an effort to achieve more control, to make human affairs more manageable. But no social form pins down a moment of full attunement, not so long as God is "from somewhere else" rather than territorially confined. Eventually, we arrive at a time and a place that attenuates radically the communal dimensions of life as "individual beliefs and experiences" stride to center stage. We search for inward purity and harmony within the self, but the inherent instability of the world does not yield to our importunings. The story goes on.

For Gauchet, we originated in religion. Small wonder that we continue to explain ourselves through it. By making the monotheistic break, however, we began our trek away from Religion and entered the often icy region of freedom, for the "true Kingdom" always lies elsewhere. And yet we are haunted by the "extraordinary radiance of Christ's figure," the man-god who did not "mobilize his people in a world mission" but "sacrificed himself, alone and unrecognized, to save everyone else." And what were humanity and the world being saved from or for? We were being saved from spite and freed from revenge. Something must have been true about this message, Gauchet opines, else how to "understand how the extraordinarily captivating force condensed into this peripheral figure was sufficient to push his teaching from a remote outpost into the heart of the greatest civilized power of its time, not to mention the central position his example would occupy for twenty centuries of spiritual life?"

Two orders of being, distinct yet linked, made revolutionary moments of mediation possible and necessary. Poised forever between *contra mundum* and *amor mundi*, we yearn for a definitive break or a decisive return. But a break would sacralize politics, making it demonic. And a return would obliterate politics altogether. Either way such mythic totalisms are no longer within our reach, even if we grasp at them and clutch at the raggedy hems of their tattered historic garments. Gauchet's is an uneasy unbelief, always circling around belief, for only such an unbelief will not turn deadly. No doubt historians, anthropologists, political theorists, and theologians will rush in to set Gauchet right on many points. But there is a stubborn kernel of truth here. It is that a liberal order may find a friend in religion, because God's otherness is what makes us free: free to believe and free not to believe. Western history is the unfolding of this irony. •

TRB continued from page 6

mandatory appeal of all death sentences, for example.

And why is McVeigh going to the death chamber, while his accomplice Terry Nichols may only get a life sentence? At least in part because Nichols had the good luck to find himself a smarter lawyer who picked a confused jury that found Nichols guilty of conspiracy to build the bomb, but not guilty of intentional homicide. The fact that the same jury that rendered this muddy verdict was supposed to decide Nichols's sentence, too (they eventually were deadlocked), shows that capital sentencing is a game of roulette.

Alas, capital punishment remains wildly popular, and there's little chance that it will be abolished or even significantly curtailed. We live, after all, in a time when the attorney general of the United States can profess a personal disdain for the death penalty while allowing her own Justice Department to jeopardize the trial of Ted Kaczynski rather than give up the death penalty in exchange for his guilty plea. (Prosecutors ultimately relented.) When liberals have tried to make a case against the death penalty, they have consistently failed to engage the public on an emotional level. They have nattered on about the deterrent value of punishment and alleged racial disparities in sentencing when what really concerns the public is its own anger about crime.

The low moment in this dialogue of the deaf came during the 1988 presidential debate, when CNN's Bernard Shaw asked Michael Dukakis, "Governor, if Kitty Dukakis were raped and murdered,

would you favor an irrevocable death penalty for the killer?" "No, I don't Bernard," Dukakis replied with his characteristic lack of affect. "I don't see any evidence that [the death penalty] is a deterrent, and I think there are better and more effective ways to deal with violent crime." He then rambled on about the war on drugs in Massachusetts.

The right answer was: "Death penalty? Bernie, I'd want to go out and kill the guy with my own bare hands. But that is precisely why I don't favor capital punishment. The state cannot behave like an enraged husband; nor, if we are to have an effective rule of law, can it even allow itself to be guided by feelings of revenge. We must always be careful not to compound the first murder by rushing into the execution of the wrong person." The public might not have agreed, but at least they would have had the feeling that Dukakis, and other liberals, understood where the sentiment in favor of the death penalty comes from. Only if they first acknowledge the powerful emotional case for executing evil-doers can opponents of capital punishment ever hope to persuade people of the saner view: The risk of a single wrongful execution is too high a price to pay for 100 rightful ones.

CHARLES LANE

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# WASHINGTON DIARIST

## Magnetic personality

I HAVE A PROBLEM WITH TECHNOLOGY. Sure, you're thinking, so does everyone from your grandmother to Ted Kaczynski. But I *really* have a problem. Airport metal detectors wail at my approach. Digital watches mysteriously malfunction when strapped to my wrist. Computers freeze at my touch. I used to chalk it all up to inferior manufacturing. So when my new digital watch insisted it was 8:95 a.m., I assumed it had somehow slipped through quality control. And when my old IBM-compatible gobbled up term papers and eventually forced me to shell out a small fortune to replace its dysfunctional motherboard (that's the computer's central nervous system, for those of you fortunate enough not to know), I'd curse Bill Gates. I knew whom to blame—or so I thought. Then, about a year ago, I handed my antiquated PC down to my younger brother, an engineering student. And apparently it's been basically bug-free ever since. So I was forced to face the awful explanation that friends and family have long proposed: The problem must be me.

IN SEARCH OF VALIDATION, I CONTACTED NASA, the agency that bestowed some of this technology upon us in the first place. "You've probably got a problem with your electromagnetic field," suggested Don Nolan, a NASA spokesman from headquarters in Washington. "My brother has that same problem. He has trouble with cordless phones. Out of six kids, he's the only one who's got it." According to Nolan, like his brother, I might be a "human environmental contaminant." "The computer people have told me there's no question some people have an electromagnetic field that can disrupt electronic equipment, including computers and digital watches, and cause them to crash."

THIS SOUNDED A BIT FAR-FETCHED, but my old science textbook appeared to support Nolan's theory. It seems that every one of us emits an electromagnetic field, or EMF, created by chemical reactions in our bodies. Because our EMFs are weak compared to those generated by cellular phones, microwaves, subway systems, and power lines, none of us can use our field to, say, heat up a frozen din-

ner or power a small city. But stronger fields can wreak major havoc. In fact, the Defense Department is now using related technology to create weapons that, instead of physically flattening a city, would send out an electromagnetic wave to cripple all its electronic equipment.

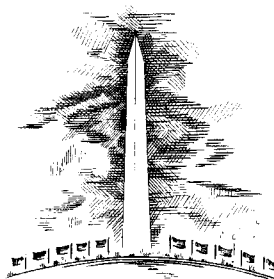
BUT WAS IT REALLY POSSIBLE THAT my electromagnetic field was somehow unique, somehow incompatible with the modern world? And if so, was there a remedy? Though this ailment was by no means debilitating, just annoying, Nolan generously offered to troll the Web for clues on my behalf—allowing me to keep a safe distance from my computer. When that search proved fruitless, Nolan hunted through NASA's directory for anyone who might have a lead. A doctor who applies Hubbell-telescope technology to breast cancer research looked promising, but she said she lacked sufficient knowledge of human-computer relationships to comment. Another researcher, who performs crystal-growth experiments that are extremely sensitive to electromagnetic fields, also pleaded ignorance.

NOLAN THEN POINTED ME TO BOB Dotts, assistant technology transfer director at the Johnson Space Center in Houston, who has developed spacesuits for kids who are allergic to ultraviolet light. I figured that he, at least, might be sympathetic to my plight. But, alas, Dotts merely laughed into the phone: "We've got a lot of people who have problems with Windows 95. Gates just released it too early." Was there any advice he could give me? "Well, you could buy a Vector laptop," Dotts said thoughtfully. "That's what we sent up on the space shuttle. It doesn't conflict with equipment in space. Maybe it would work for you."

MEANWHILE, THE INDEFATIGABLE Nolan had managed to gather additional information on my condition. Among other feats, he reported, there was a good chance I could demagnetize bank cards if I put them in my pocket. "Johns Hopkins might be able to help," he offered. But that also ultimately proved a false lead. Though some of the Hopkins researchers I spoke with had friends who complained of similar symptoms, Hopkins only has scientists who study the impact of technology on people: whether computers can give you cancer, whether Xerox machines can make you sterile, etc. No one there studies the potential impact of man on machine.

NOLAN'S SOURCES WEREN'T QUITE panning out, so I decided it was time to seek out some experts of my own. Finally, I came across the perfect candidate—a researcher who specializes in biology and electromagnetic fields. He agreed to speak to me but asked to remain anonymous because Congress just cut all funding for EMF research in 1999, and he didn't want to look self-serving. Not surprisingly, this scientist had heard complaints like mine before, but he wouldn't buy the theory that people can be environmental contaminants. "It depends on whom you talk to, the scientific community or the Psychic Friends community,"

he explained. "People in the psychic community believe your aura can influence electronic equipment. You can talk to them if that is what you are interested in." (Since the Psychic Friends Network filed for Chapter 11 the day before, I decided not to bother.)



"IN THE SCIENTIFIC COMMUNITY," my secret expert continued, "we think people do have electromagnetic fields, but they are so weak they can't disrupt anything." If I really wanted to, he suggested, I could have someone do a magneto-encephalographic scan (try saying that five times fast) to measure the strength of my field, but he was sure that, at most, my EMF might be strong enough to screw up the reception of a television that still used rabbit-ear antennae. Ultimately, he thought my problem might be static and maybe a healthy dose of Murphy's Law. At least, that's what I think he said. I had to scribble my notes by hand because, halfway through the interview, my computer froze.

MY PHONE RANG. IT WAS NOLAN: "I just talked to someone at the Jet Propulsion Lab in California, and she has a friend who can actually crash her computer by walking into the room." So, it could be worse. I, at least, must sit at my desk before the mayhem begins. Nolan's story made me wonder how many other human environmental contaminants are out there—evolutionary misfits whose body chemistry is hopelessly out of step with the information age. Maybe we should all get together and form a support group—or perhaps two support groups, one for the positively charged, one for the negative. We could sit around and swap horror stories. We could moan about the lack of scientific evidence for our affliction. Maybe we could even get a group discount on Vector laptops.

KATHERINE PFLEGER

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